



WEB COPY

W.P.No.3077 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3077 of 2024

V.Rajamanickam

... Petitioner

Vs.

1. The Revenue Divisional Officer
Tirukkoilur
Kallakurichi District

2. V.Muthaiyan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal in Appeal dated 21.01.2015 duly considering the petitioner's representation dated 20.04.2023 within a time frame fixed by this Court.

For Petitioner	: Mr.B.Balakrishnan
For R1	: Mr.T.Arun Kumar
	Additional Government Pleader
For R2	: No Appearance

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 21.01.2015 by duly considering the petitioner's representation dated 20.04.2023, within a time frame as may be fixed by this Court.



2. The case of the petitioner is that he purchased the land bearing Survey Nos.94/11, 94/12 and 94/13 in Kambattu Village, Ulundurpet Taluk, from one Annamalai Padaiyatchi through a sale deed dated 30.01.1982, registered as Document No.729/1982 on the file of the Sub Registrar Office, Ulundurpet and Patta No.149 was issued in favour of the petitioner. While so, the 2nd respondent, without conducting proper enquiry, issued Patta No.134 in favour of the 2nd respondent in respect of the said property. Aggrieved by the same, the petitioner filed an appeal dated 21.01.2015 before the 1st respondent herein and the same was numbered as 1180/2015. The first enquiry was conducted on 03.02.2016 and thereafter, there was no progress. Meanwhile, the 2nd respondent executed a settlement deed in favour of his two daughters based on which, Patta No.953 was issued to the daughters of the 2nd respondent. Hence, the present Writ Petition is filed seeking direction to dispose of the appeal filed by the petitioner dated 21.01.2015.

3. The 1st respondent has filed counter affidavit.

4. Heard and perused the materials available on record including the counter affidavit filed by the 1st respondent.

5. In the counter affidavit itself, the official respondent has admitted that the subject matter of appeal was filed by the petitioner on 21.01.2015 and



after affording opportunity of hearing to the petitioner, the appeal was disposed on 01.03.2024 vide proceedings No.Mu.Ma.A3/1180/2015 by rejecting the petitioner's request and directed him to approach the District Revenue Officer, Kallakurichi District. However, he has not produced any material to show as to when the notice was sent to the petitioner regarding the hearing of appeal.

6. It is to be noted that the appeal was filed in the year 2015 i.e. on 21.01.2015 and it was kept pending for more than nine years. Now, all of a sudden, pending this writ petition, without giving opportunity to the petitioner, the official respondent has disposed of the appeal on 01.03.2024. The attitude of the 1st respondent is highly unwarranted.

7. Though in the counter it is stated that the appeal was disposed on 01.03.2024, the 1st respondent has not produced any record to show that the petitioner was given opportunity. Therefore, the order passed by the 1st respondent vide Mu.Ma.A3/1180/2015 dated 01.03.2024, is set aside.

8. The 1st respondent is directed to give a fresh notice of hearing on the appeal to the petitioner, 2nd respondent and also to the interested parties/rival claimants/objectors if any, as the case may be and after issuing notice and giving opportunity of hearing to all the parties, pass orders on merits and in accordance with law.



9. Accordingly, the Writ Petition is allowed with cost of Rs.25,000/-
(Rupees Twenty Five Thousand Only. The said cost has to be paid by the
Officers concerned who are all responsible for the pendency of the said
appeal for more than nine years.

06.03.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



To

The Revenue Divisional Officer
Tirukkcoilur
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P.VELMURUGAN. J.

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