



W.P.No.35104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.35104 of 2024

Narayanaswamy

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
2. The District Revenue Officer,
Tiruvannamalai,
Tiruvannamalai District.
3. The Revenue Divisional Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District.
4. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
5. The Sub-Registrar,
Office of Registration,
Tiruvannamalai Taluk,
Tiruvannamalai District.
6. Jayaraman



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7. Marimuthu

8. Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 2nd respondent to conduct enquiry and pass orders after furnishing the copy of the appeal petition filed by the 6th respondent and after giving adequate opportunity to the petitioner in pursuance of the notice in Letter No.M4/657048/2023 dated 13.07.2023.

For Petitioners : Mr.R.Rajarajan

For R1 to R5 : Mr.P.Sathish
Additional Government Pleader

ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Official Respondents.

2. This Writ Petition has been filed for a Mandamus to direct the 2nd Respondent to conduct an enquiry and pass orders after furnishing the copy of the appeal petition filed by the 6th respondent and after giving adequate opportunity to the Petitioner in pursuance of the notice in Letter No.M4/657048/2023 dated 13.07.2023.



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3. Challenging the cancellation of patta which was granted in favour of the Petitioner and his brothers, the Petitioner and his brothers had filed W.P.No.20716 of 2022. This Court disposed of the Writ Petition stating that the Petitioner had an alternate remedy and granted liberty to the Petitioner to prefer an appeal to the 3rd Respondent and the 3rd Respondent was directed to dispose of the appeal within a period of six (6) weeks in pursuance of the said order. The 3rd Respondent had allowed the appeal and directed the 4th Respondent to transfer the Patta back to the name of the Petitioner and his brothers. Complying with the said order, necessary modifications were also made in the revenue records. Thereafter, the Petitioner had received a notice from the 2nd Respondent Office dated 13.07.2023 calling upon the Petitioner and his brothers to appear for an enquiry before him to cancel the Order passed by the 3rd Respondent at the instance of the 6th Respondent. On the said date, the Petitioner and his brothers had appeared, however no enquiry was held nor appeal papers served on them. Thereafter, despite repeated request the Petitioner is not being served with the copies of the appeal petition nor the documents filed in support thereof. Therefore, the Petitioner has filed this Writ Petition for a Mandamus.



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WEB COPY 4. Heard the learned counsel on either side.

5. On considering the above facts and hearing the counsels, the Writ Petition is allowed and the 2nd Respondent is directed to furnish a copy of the appeal petition and the documents filed by the 6th Respondent within a period of one (1) week from the date of receipt of a copy of this Order. Thereafter, afford an opportunity of personal hearing to all concerned and dispose of the appeal within a period of one (1) month from the date of handing over the appeal papers to the Petitioner. No costs.

27.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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To

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P.T.ASHA, J.

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