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WP.No.35896 of 2024

In the High Court of Judicature at Madras

Dated : 03.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35896 of 2024

1.M.S.Subbiah  
2.S.Damodaran

...Petitioners

Vs

1.The District Revenue Officer  
Collector Office  
Rajaji Salai, Chennai-1.

2.The District Revenue Officer  
Kancheepuram  
Kancheepuram District.

3.The District Collector  
Collector Office  
Rajaji Salai, Chennai-1.

4.The Revenue Divisional Officer  
Tambaram  
Kancheepuram District.

5.The Tahsildar  
Taluk Office  
Sholinganallur Taluk  
Sholinganallur, Chennai-9.

6.O.P.Ravindran

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's appeal dated 25.1.2014 originally filed



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before the 2nd respondent and subsequently transferred to the 1st respondent within a stipulated time as fixed by this Court pertaining to the petitioners' property comprised in Survey No.87, situated at Plot No.114, measuring an extent of 2,400 sq.ft. Perungudi Village, Sholinganallur Taluk.

For Petitioners : Ms.Anisha Shalini.R  
For R1 to R5 : Mr.A.Selvendran, SGP

### ORDER

Seeking a direction to the first respondent to dispose of their appeal dated 25.1.2014 with respect to the property measuring 2,400 sq.ft. in Survey No.87, situated at Plot No.114, Perungudi Village, Sholinganallur Taluk, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for respondents 1 to 5.

3. The case of the petitioners are as follows :

(i) The first petitioner purchased a property in S.No.87 measuring an extent of 1,200 sq.ft out of 2,400 sq.ft. (northern side), plot No.114, Elim Nagar from one Ms.Kuppammal vide doc.No.4573 of 1995 registered on the file of the Sub-Registrar, Adyar dated



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11.9.1995. The second petitioner purchased the southern side of the said property measuring 1,200 sq.ft from the said Ms.Kuppammal vide doc.No.4574 of 1995 registered on the file of the same Sub-Registrar dated 11.9.1995.

(ii) Thereafter, the first petitioner applied for panchayat approval for a construction work and the same was approved by the Perungudi Town Panchayat on 15.5.1996. The first petitioner also constructed a building and has been assessed to property tax. The first petitioner also obtained patta No.2317. Likewise, the second respondent also got patta No.2317. Further, on 14.7.2000, the first petitioner purchased 600 sq.ft out of 1,200 sq.ft from the second petitioner vide doc.No.1878 of 2000 registered on the file of the Sub-Registrar, Neelankarai. Thus, the petitioner is in enjoyment of 1,800 sq.ft and the second petitioner is enjoying 600 sq.ft. in the said property.

(iii) Subsequently, alleging that the petitioners constructed a superstructure in plot No.115, the sixth respondent filed O.S.No.568 of 2006 before the Additional District Munsif Court, Alandur against the petitioners seeking for recovery of possession, for granting a mandatory injunction to the petitioners to remove the superstructure in the subject property, for delivery of vacant possession and for a permanent injunction from interfering with his peaceful possession



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and enjoyment of the subject property, in which, the petitioners filed a written statement. There is no clarity as to how the sixth respondent obtained an ex parte decree on 08.3.2013 and filed execution proceedings before the civil court.

(iv) Suffice it to state that the sixth respondent made an application on 31.5.2013 to the fourth respondent for cancellation of the patta issued in favour of the petitioners. But, the fourth respondent, without proper notice to the petitioners, passed the order dated 04.10.2013 cancelling the patta issued in favour of the petitioners. The petitioners immediately made a representation on 17.10.2013 to the fourth respondent requesting to furnish a copy of the said order dated 04.10.2013. The petitioners also issued a legal notice to respondents 4 and 5 to provide details of the notice sent to the petitioners dated 13.9.2013 and a copy of the report dated 28.6.2013 submitted by the fifth respondent. Despite receipt of the same, there has been no response.

(v) According to the petitioners, notices were never sent to their addresses. But, the notices were sent to the addresses where they were not residing. Thereafter, the petitioners filed an appeal dated 25.1.2014 to the second respondent. As there was no reply nor any progress on the same, earlier the petitioners filed W.P.No.8631 of



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2014 before this Court seeking to quash the said order dated 04.10.2013 passed by the fourth respondent. In the said writ petition, this Court suo motu impleaded the second respondent and also disposed of the said writ petition on 06.1.2020. Even thereafter, there has been no progress in the pending appeal. Now, the jurisdiction vests with the first respondent and the files were transferred to the first respondent. Hence, the petitioners have come forward with the present writ petition.

4. It is rather unfortunate that the first respondent kept the appeal pending knowing fully well that it has been filed on 25.1.2014 without disposing the same and without conducting any kind of inquiry. The first respondent failed in his statutory duty to consider and pass orders on the appeal filed against the order passed by the fourth respondent way back in the year 2013.

5. Therefore, the writ petition is allowed and a Mandamus is issued to the first respondent to dispose of the appeal dated 25.1.2014, which is kept pending for over ten years, within a period of six weeks from the date of receipt of a copy of this order. No costs.



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P.T.ASHA,J

RS

To

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