



W.P.(MD)No.752 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.752 of 2024

Lazarus Arockiyaraj

... Petitioner

Vs

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

2.Tahsildar,
Athoor Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to complete the enquiry and dispose the Appeal in Na.Ka.No.475/2023/A4, filed by the petitioner within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.B.Azhagesh

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to complete the enquiry and dispose the Appeal in Na.Ka.No.475/2023/A4, filed by the petitioner.

2. Heard Mr.B.Ahagesh, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

3. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, the land to an extent of 21 cents comprised in S.No.124/3 bearing patta No.542 situated at Authoor Village, Authoor Taluk, Dindigul District belonged to his father L.George Joseph @ George and he had executed a registered settlement deed dated 13.01.2016 in favour of the petitioner in respect of the above mentioned properties and other properties which are not subject matter herein. Since then, he is in possession and enjoyment of the property by mutating patta No.2918 in his name. While being so, one Joseph Kanagaraj, who is none other than the brother-in-law of his sister made a representation before the second respondent to change patta as if



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the said property is a burial ground belongs to the family of Savarimuthu Pillai,

wherein, the petitioner had made an objections stating that he is the absolute owner of the property and he filed a suit in O.S.No.844 of 2022 on the file of the Sub-court, Dindigul for declaration and permanent injunction by impleading the Tahsildar as well as the District Collector as party. However, without considering his objection as well as the pendency of the suit, the second respondent herein had passed an order through his proceedings in Na.Ka.No.6646/2022/A1 to change the patta as Joint Patta No.2918. Aggrieved over the above order, the petitioner has preferred an appeal in Na.Ka.No. 475/2023/A4 before the first respondent on 11.01.2023. On 15.02.2023 an enquiry notice was given to the petitioner and he was appeared for an enquiry. Till date, the first respondent has not passed any order in the appeal. Hence, the petitioner has filed the present present writ petition for the above stated relief.

5.The learned Special Government Pleader appearing for the respondents submits that appropriate direction may be given to the respondents to consider the petitioner's appeal in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the first



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respondent to consider the petitioner's appeal in Na.Ka.No.475/2023/A4 and dispose of the said appeal and pass orders on merits and in accordance with law, within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

12.01.2024

Index : Yes/No
Internet:yes/No
am

To

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

2.Tahsildar,
Athoor Taluk,
Dindigul District.



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V.BHAVANI SUBBAROYAN, J.

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