



W.P(MD)No.784 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.784 of 2024

Appulingam

... Petitioner

-Vs-

1.The District Collector,
Pudukkottai District.

2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.Ramasamydevar

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent No.2 to consider the petitioner's Appeal No.Na.Ka/5377/2022/A6 before the Revenue Divisional Officer, Aranthangi within 3 months or within the time stipulated by this Court.

For Petitioner

: Mr.S.Bageerathan

For Respondents

: Mrs.K.Christy Theboral
Addl. Govt. Pleader for R1 and R2



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ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondent No.2/ the Revenue Divisional Officer, Aranthangi, to consider the petitioner's Appeal No.Na.Ka/5377/2022/A6 pending on his file, within the stipulated time fixed by this Court.

2. Mrs.K.Christy Theboral, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner acquired the property in dispute from his mother through a gift deed dated 02.02.1963, which is ancestral in nature. Since the date of acquisition, the property has remained under the peaceful possession of his family. In the meantime, the petitioner found that a joint patta was erroneously issued for the said property encompassing various survey numbers, in the name of the third respondent and another individual. Hence, the petitioner filed an appeal in the year 2020 against the issuance of joint patta. Since the said appeal is pending, the petitioner has come before this



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Court. He would further submit that it would suffice if the appeal of the petitioner is disposed of by the 2nd respondent, on merits and in accordance with law within the time stipulated by this Court.

4. Today, the learned Additional Government Pleader appearing for the official respondents produced a copy of the reply letter dated 21.01.2024 submitted by the second respondent/Revenue Divisional Officer, Aranthangi, before this Court, in which it is stated that the appeal filed by the petitioner was taken up for first hearing on 09.01.2023 and thereafter, on 03.07.2023, enquiry was conducted. The learned counsel, Mr.Rajendran, who filed vakalat on behalf of the respondent in the appeal did not file counter till date. Hence, the appellate authority could not proceed further in this regard and they are also trying to collect the necessary documents and she assures that appropriate action will be taken after getting the necessary documents.

5. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the second respondent is directed to pass appropriate orders on merits and in accordance with law,



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after issuing final notice to the third party in the appeal in order to produce the necessary documents, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

12.01.2024

Index : Yes/No
Internet : Yes/No
Index : Yes/No
PJJ

To

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.



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V.BHAVANI SUBBAROYAN, J.

PJL

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