



W.P.(MD)No.2082 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2082 of 2024

Moorthy

... Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam,
Theni District.

2.Maharajan

... 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 dispose the petitioner's appeal dated 11.07.2023 within a time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For R1 : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 11.07.2023 within a time stipulated by this Court.



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2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent.

3. Considering the nature of the order proposed to be passed, protecting the interest of the second respondent, notice to the second respondent is dispensed with. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, his father namely Thangappan and his brothers R.Jeyaram, R.Alagumalai, R.Rajendran and R.Chellappan had jointly purchased a property on 17.12.1997 in S.Nos.492/1, 492/3A, 492/3B, 492/3C, 492/3D and 492/3E to an extent of 7 acres 27 cents situated at Silamalai Village, Bodinayakanur Taluk, Theni District from Solamalai Thevar @ Maharajan and others. After purchasing the said property, his father and his brothers were jointly enjoying the said property on paying the necessary taxes to the revenue authorities and they are in peaceful possession and enjoyment of the property. The petitioner's father died leaving behind him and his siblings and after the death of his father, the petitioner and his siblings are enjoying the said property. In the said circumstances, the petitioner's father's brothers namely



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R.Jeyaram, R.Alagumalai, R.Rajendran and R.Chellappan had sold the property

to the second respondent on 08.12.2021 to an extent of 5 acres 81.5 cents out of 7 acres 27 cents I.e., their shares of 4/5 and the said sale deed itself they have clearly mentioned that the said property had purchased by his father and the above said 4 persons and in respect of our property i.e., 1/5 share is left over in the said sale deed. The second respondent after purchasing the said property from the petitioner's paternal uncle, the second respondent had changed the patta illegally and changed the patta in his name in the entire land of 7 acres 27 cents instead of 5 acres 81.5 cents as if he had purchased the entire property. After knowing the same, the petitioner has filed an appeal to the first respondent on 11.07.2017 by explaining all the above said fact and illegal act of the second respondent and further requested to cancel the patta granted in respect of the second respondent. Since, the first respondent has not taken any action for disposing of the appeal, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the first respondent would submit that appropriate direction may be given to the first respondent to dispose of the appeal dated 11.07.2017 pending before the first respondent, in accordance with law, within a time frame.



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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 respondent to dispose of the appeal, dated 11.07.2017 filed by the petitioner after holding an enquiry, pass orders on merits and in accordance with law after affording an opportunity to all the parties concerned. Such exercise shall be completed within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

01.02.2024

Index : Yes/No
Internet: Yes/No
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To

The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

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