



W.A.(MD) No.862 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.862 of 2021
and
C.M.P.(MD) No.3844 of 2021**

Bazeer

... Appellant

-vs-

- 1.The District Revenue Officer
Dindigul District, Dindigul
- 2.The Revenue Divisional Officer
Dindigul Revenue
Dindigul, Dindigul District
- 3.The Tahsidlar
Natham Taluk
Dindigul District
- 4.Shajahan
- 5.Basha Sayibu

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.03.2021, passed in W.P.(MD) No.4497 of 2021, on the file of this Court.



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For Appellant : Ms.Gokila Santhiya
for Mr.S.Sarvagan Prabhu

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1 to R3
Mr.B.Jameel Arasu for R4 & R5

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The unsuccessful writ petitioner is the appellant herein. According to him, by virtue of two settlement deeds, he is the owner of the petition mentioned property. The fifth respondent is his maternal uncle. During UDR, a patta was granted in favour of the fifth respondent. Challenging the same, appellant submitted a representation before the first respondent on 16.10.2019, which was forwarded to the second respondent and subsequently, forwarded to the third respondent. The third respondent conducted an enquiry. In the meanwhile, he preferred appeal before the second respondent. Since title disputes arisen, it appears that the appellant also filed a civil suit in O.S.No.72 of 2018, before the District Munsif Court, Natham, for declaration of his title and permanent injunction. Subsequently, the said suit was transferred to the Sub Court, Dindigul, where the said suit is pending disposal. In such circumstances, the fifth respondent executed a sale



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WEB COPY deed in favour of the fourth respondent and thereafter, patta has been changed in the name of the fourth respondent. Challenging the same, the appellant filed the writ petition in W.P.(MD) No.4497 of 2021. The learned Single Judge, by order dated 04.03.2021, dismissed the writ petition, by holding as follows:

“5.For the aforesaid reasons, it is open to the petitioner to pursue his appeal remedy before the authority concerned. Hence, this Writ Petition is dismissed. However, the appellate authority, before whom the appeal is stated to be pending, is directed to pass final orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order after affording sufficient opportunity to all the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.”

2. Challenging the same, this writ appeal.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that pursuant to the directions issued by the learned Single Judge, the second respondent has disposed of the appeal preferred by the appellant by stating that after the disposal of this writ appeal,



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the appellant can seek the appeal remedy and to that effect, she has also produced a copy of the proceedings of the second respondent, dated 20.07.2021, before this Court.

4. Taking into consideration the facts and circumstances of the case, we hereby direct the appellant herein to file an appeal before the second respondent as expeditiously as possible and the time taken during the pendency of this writ appeal shall stand excluded for the purpose of limitation. On filing such appeal, the second respondent shall follow the due process of law and dispose of the same on merits and in accordance with law, within a period of twelve weeks from the date of filing the appeal by the appellant.

5. With the above directions, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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