



W.P.(MD) No.20716 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20716 of 2024

Murugan

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The District Revenue Officer,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Kamuthi Taluk,
Ramanathapuram District.

4.Muthukumar

5.Ramu

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to dispose the appeal in Na.Ka.B11/40050/2023 pending on the file of the second respondent within the period that may be stipulated by this Court.



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For Petitioner : Mr.K.S.Durai Pandian
For R1 to R3 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The writ petition is filed seeking a mandamus to the respondents to dispose of the appeal in Na.Ka.B11/40050/2023 within a time to be stipulated by this Court.

2. The petitioner's contention is that his family owned 0.29.5 ares 73 cents in Survey No.20/6, Yezhuvanoor Village, Kamuthi Taluk, Ramanathapuram District. The petitioner would submit that they are in enjoyment and possession of the property. Whiles, one Nagasundaram, father of the 5th respondent has fraudulently subdivided the above said property in Survey No.20/6 as 20/6A and 20/6AB. The original patta number for Survey No.20/6 was Patta No.613 and after the subdivision, it has been allocated patta no.428. This subdivision has been made without notice to the petitioner or his family members. The said Nagasundaram was the husband of one Ponnammal who was originally



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married to the petitioner's father Sivanandi Thevar. The said Ponnammal did not live with the petitioner's father and she later married Nagasundaram and through this wedlock, the 5th respondent was born to them. After the demise of the petitioner's father, the 5th respondent's father has clandestinely subdivided the property and by reason of this, the 4th and 5th respondents are claiming a right to the property. Since the grant of patta has been done behind the back of the petitioner, he had filed an appeal in Na.Ka.B11/40050/2023 on the file of the 2nd respondent to cancel the patta standing in the name of the 4th and 5th respondents and to issue a fresh patta in the name of the petitioner and his brothers. However, todate the appeal has not been taken up for disposal. Therefore, the petitioner is before this Court.

3. Considering the above fact that in the appeal the respondents 4 and 5 are shown as respondents, a Mandamus is issued to the 2nd respondent to take up the appeal, hear the parties and pass orders within a period of six (6) weeks from the date of receipt of copy of this order.



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4. With the above direction, this Writ Petition stands allowed. No costs.

02.09.2024

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

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To

- 1.The District Collector,
Ramanathapuram District.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
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Ramanathapuram District.



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P.T.ASHA, J.

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