



W.P.(MD) No.23605 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23605 of 2024

G.Suruli Bommaiah

.. Petitioner

Vs.

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

2.The Tahsildar,
Bodinaickkanur Taluk,
Bodinaickkanur,
Theni District.

3.J.Balamurugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 24.01.2024 pending before the first respondent.



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For Petitioner : Mr.K.Guhan
For R1 & R2 : Mr.D.S.Nedunchezhiyan
Government Advocate

ORDER

Seeking a mandamus to the first respondent to dispose of his appeal dated 24.01.2024, the petitioner is before this Court.

2. The appeal has been filed seeking cancellation of the patta granted to the third respondent. After the filing of the appeal, notice was issued to the parties and an enquiry was also conducted. The petitioner has also submitted his explanation before the first respondent. However, no further order has been passed by the first respondent. Therefore, aggrieved, the petitioner is before this Court.

3. The petitioner would submit that despite a decree for specific performance and the dismissal of the claim petition of the third respondent in the execution petition filed by the petitioner for execution



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of sale deed, which has been upheld up to the Hon'ble Supreme Court, the petitioner's request for cancelling the patta standing in the name of the third respondent has not been considered till date.

4. It is also seen that after the third respondent was unsuccessful, his sister had filed a petition under Section 47 of the Civil Procedure Code before the District Munsif Court, Bodinaickkanur in respect of the very same property, which was dismissed against which C.R.P.(MD) No. 317 of 2020 was filed, which was also dismissed. Therefore, the petitioner's title to the property has been upheld all through and the respondent-Revenue Authorities are bound by the decree of the civil Court. Therefore, a mandamus is issued to the first respondent to dispose of the petitioner's appeal dated 24.01.2024, cancel the patta issued to the third respondent and issue patta in the name of the petitioner before 25.10.2024.

5. With the above directions, this Writ Petition is allowed. No costs.



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6. Post the matter 'for reporting compliance' on 25.10.2024.

03.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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

2.The Tahsildar,
Bodinaickkanur Taluk,
Bodinaickkanur,
Theni District.



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P.T.ASHA, J.

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