



W.P.(MD)No.26821 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26821 of 2024

Samsul Ariffin

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

3.Periya Pallivasal Mohaideen Abdul Kadhar Aandavar Mosque,
Rep. by its President,
Periya Pallivasal Street,
Virudhunagar Taluk,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to dispose of the appeal, dated 14.10.2024 filed by the petitioner for cancellation of patta issued in favour of the third respondent in respect of the property situated in Old S.No. 3/2, New S.No.3/2B, Block 1, Ward No.3, Annai Sivakamipuram Street, Virudhunagar Taluk and District to an extent of 0.06.00 ares.



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For Petitioner : Mr.G.R.Satish

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed directing the first respondent to dispose of the appeal filed by the petitioner, dated 14.10.2024 for cancellation of patta issued in favour of the third respondent in respect of the property in old S.No. 3/2, new S.No.3/2B, Block 1, Ward No.3, Annai Sivakamipuram Street, Virudhunagar Taluk and District to an extent of 0.06.00 ares.

2. The petitioner, who is the owner of the subject property was issued patta in Patta No.4123. While so, the second respondent transferred the patta in favour of the third respondent in Patta No.5650 without notice to the petitioner. Aggrieved by the same, the petitioner preferred an appeal on 14.10.2024, which is pending before the first respondent. As no action was taken by the first respondent, the petitioner filed the writ petition for the aforesaid relief.

3. With the consent of both learned counsels, the writ petition is taken up for final hearing at the admission stage itself.



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4. The learned counsel for the petitioner submitted that the appeal of the petitioner, dated 14.10.2024 is pending before the first respondent. Therefore, a direction may be issued to the first respondent to dispose of the appeal within a time frame fixed by this Court.

5. The learned Additional Government Pleader for the respondents 1 and 2 submitted that the petitioner preferred the appeal only on 14.10.2024 and therefore direction may be issued to dispose of the appeal as per seniority.

6. Heard both learned counsels and perused the materials based on record.

7. The patta originally granted to the petitioner was transferred in favour of the third respondent without notice to the petitioner. Therefore, the petitioner preferred an appeal for cancellation of patta in favour of the third respondent on 14.10.2024. As the appeal was preferred recently i.e. 14.10.2024, I am of the view that the writ petition may be disposed with a direction to the first respondent to dispose of the petitioner's appeal, dated 14.10.2024 on merits and in accordance with law after due notice to the petitioner and third respondent within a period of 12 weeks from the date of receipt of a copy of this order.



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WEB COPY 8. Accordingly, the writ petition stands disposed of. No costs.

11.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
- 2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.



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N.MALA, J.

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