



WP(MD)No.27099 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.11.2024**

CORAM

THE HON'BLE MRs.JUSTICE N.MALA

W.P(MD)No.27099 of 2024

D.Jebakumar

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Thasildar,
Radhapuram Taluk,
Tirunelveli District

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the second respondent herein to dispose of the appeal dated 25.10.2021 on merits in accordance with law and to pass suitable orders in respect of issue in patta No.1781 and 2647 for the lands comprised in Survey No.26/1 and 26/2 located in North Valliyoor Part-II Village, Radhapuram Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.R.Ragavendran
Government Advocate



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ORDER

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This Writ Petition is filed for issuance of writ of mandamus to direct the second respondent herein to dispose of the appeal dated 25.10.2021 on merits in accordance with law and to pass suitable orders in respect of issue in patta Nos.1781 and 2647 for the lands comprised in Survey No.26/1 and 26/2 located in North Valliyoor Part-II Village, Radhapuram Taluk, Tirunelveli District within the time stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner aggrieved by the issuance of wrong patta in S.No.26/1 and 26/2 located in North Valliyoor Part-II Village, Radhapuram Taluk, Tirunelveli District in favour of one Vincent s/o Chellaiah Nadar has filed the above Writ Petition.

4. The land to an extent of 5 acres and 28 cents in S.No.26 in North Valliyoor Part-II Village, Radhapuram Taluk, Tirunelveli District belonged to the petitioner's ancestor, Ammaiadimai Nadar. After his



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demise, his three sons Esakkimuthu Nadar, Muthaiah Nadar and Mayamuthu Nadar jointly enjoyed the said land. The said three branches were equally entitled to 1 acre and 76 cents each. The legal heirs of the above three branches enjoyed their respective shares in the subject property by metes and bounds. The legal heirs of Esakkimuthu Nadar, namely, Kovilpillaiammal, Rajammal and Thangamuthu Ammal jointly sold 50 cents out of their share of 88 cents to one Chellaiah Nadar vide sale deed dated 27.07.1982. Subsequently, the said Chellaiah Nadar executed a settlement deed on 22.04.2010 in favour of his son Vincent for a larger extent of 1 acre and 80 ½ cents instead of 50 cents. The third respondent issued Patta No.2647 to Vincent and subdivided the property as S.No.26/2. According to the petitioner, the third respondent issued patta No.2647 to the said Vincent illegally and without notice to the petitioner and other co-owners. The petitioner owned 1 acre and 17.25 cents of land in Survey No.26 by virtue of a registered settlement deed dated 08.08.2016, sale deed dated 02.06.2016 and sale deed dated 06.06.2016. The third respondent issued joint patta in Patta No.1781 in the name of thirteen persons including the petitioners and subdivided the property as Survey No.26/1. The third respondent erroneously included the names of one Murugesan and Perumal in Patta No.1781. Hence, the



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petitioner and three other co-sharers jointly preferred an appeal to the second respondent on 25.10.2021, for cancellation of patta issued by the third respondent in Patta Nos.2647 and 1781, in respect of the subject properties. The petitioner's appeal was not considered. Hence, the petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned counsel for the petitioner submits that for more than three years, the petitioner's appeal has been kept pending without any action on the part of the respondents. The learned counsel for the petitioner prayed that time frame may be fixed by this Court to dispose of the petitioner's appeal.

5. I have given my anxious consideration to the submissions made on either side and perused the materials available on record.

6. In view of the fact that appeal was filed on 25.10.2021, and no action has been taken to dispose of the appeal, I am inclined to issue a direction. Accordingly, the second respondent is directed to dispose of the appeal dated 25.10.2021, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, the Writ Petition stands disposed

of. No costs.

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

To,
1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Thasildar,
Radhapuram Taluk,
Tirunelveli District



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N.MALA,J.

CM

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