



WP(MD)No.27520 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27520 of 2024

Maheswaran

...Petitioner

Vs.

1.The PA to District Collector (Land),
Tenkasi District,Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi District,Tenkasi.

3.Manoharan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the second respondent to act upon the proceedings of the first respondent in O.Mu.H2-COLR-8507 dated 21.09.2024 and thereby pass order on the appeal preferred by the petitioner dated 09.09.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.Jerin Mathew

For R1 & R2 : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the second respondent to act upon the proceedings of the first respondent in O.Mu.H2-COLR-8507 dated 21.09.2024 and thereby pass order on the appeal preferred by the petitioner dated 09.09.2024 within the period that may be stipulated by this Court.



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2. The petitioner purchased the property in S.No.265/2A, in Thalavankottai Village, Puliyangudi, Tenkasi, under four registered sale deeds in Doc.Nos.1647/2010, 1648/2010, 1649/2010 and 369/2013. According to the petitioner, in the sale deeds the petitioner's property was shown along with pathway. While so, the third respondent purchased the land in S.No.265/2B, by including the pathway/cart track. The third respondent without disclosing the cart track/pathway obtained patta from the Tahsildar, Kadayanallur, Tenkasi, by including the pathway/cart track in his patta No.3208. Aggrieved by the patta issued in favour of the third respondent, the petitioner filed an appeal before the second respondent. As the second respondent failed to act on the petitioner's appeal, the petitioner was constrained to file the above Writ Petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the cart track was mentioned in the petitioner's and his siblings' sale deeds of the years 2010 and 2013. He further submitted that patta No.3208, was issued to the third respondent without notice to the petitioner, which is in violation of principles of natural justice. The learned counsel therefore prayed that the writ petition be allowed.



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4. The learned Additional Government Pleader submitted that the petitioner filed the appeal only on 09.09.2024, and without giving sufficient time to the authorities to consider the same rushed to this Court. He relied on the judgment of this Court in **W.P.Nos.262 of 2018 and batch in D.Tulasi Vs. The District Revenue Officer, Dhamapurai and 5 others** dated 09.06.2023.

5. The order relied on by the learned Additional Government Pleader does not apply to the facts of this case. In that order, the learned Judge clarified that cause of action to invoke writ jurisdiction would arise only after the period stipulated in the statute for disposal of the application/appeal expired. In the present case, it is seen that even after a lapse of three months, the respondent has not even taken the petitioner's appeal for enquiry on file. Normally, this Court does not entertain the writ petition for mandamus without a representation. But as in the present case, the petitioner's appeal is not even taken on file by assigning any proceeding number, I am inclined to entertain the writ petition. I therefore direct the second respondent to take on file the petitioner's appeal and to dispose of the same as expeditiously as possible. It is



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needless to state that the second respondent while hearing the appeal shall give notice of hearing to both the petitioner and the third respondent and pass orders on merits and in accordance with law.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

19.11.2024

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

To,
1.The PA to District Collector (Land),
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi District,
Tenkasi.



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N.MALA,J.

CM

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