



W.P.(MD) No.28157 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.28157 of 2024

Kalimuthu

...

Petitioner

-vs-

1.The District Collector,
Tirunelveli,
Tirunelveli District.

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

3.The Tahsildar,
Tirunelveli,
Tirunelveli District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 2nd respondent to dispose of the appeal filed by the petitioner, dated 14.09.2017.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader.



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ORDER

This Writ Petition is filed for a mandamus, directing the second respondent to dispose of the appeal filed by the petitioner, dated 14.09.2017.

2. The petitioner, who is a tenant of the Trust, namely, Dhatchinamoorthy Ashramam, has filed this Writ Petition on the ground that one Mariappan, who had absolutely no right, title or interest over the subject property, created a fraudulent settlement deed in favour of his son and thereafter changed patta in his name in Patta No.114. The petitioner, therefore, represented to the Government to transfer the patta in the name of the Trust on 14.09.2017. The said representation was forwarded to the second respondent on appeal. The second respondent also issued a notice of enquiry on 30.08.2019. The petitioner participated in the enquiry and thereafter no action was taken. The petitioner sent a reminder to the second respondent on 10.05.2023 and even thereafter, as no action was taken by the second respondent, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that the petitioner's appeal, dated 14.09.2017, is kept pending, without any enquiry being conducted.



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4. Learned Additional Government Pleader, appearing for the respondents, submitted that the third respondent – Tahsildar has sent a report to the second respondent, recommending transfer of patta in the name of the petitioner/Trust. The learned Additional Government Pleader further submitted that a time frame may be stipulated for disposal of the petitioner's appeal by the second respondent.

5. I have heard the learned counsel for the parties and also perused the materials available on record.

6. Considering the fact that the third respondent-Tahsildar has sent a report to the second respondent, recommending transfer of patta in the name of the petitioner/Trust, and also considering that the petitioner's appeal has been kept pending for more than seven years, I am inclined to issue a direction to the second respondent to pass orders on the petitioner's appeal, dated 14.09.2017, on merit and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7. Writ Petition is disposed of accordingly. No costs.

26.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.MALA, J.

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