



W.P.(MD).No.31270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31270 of 2023

R.Rajkumar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Illupur Taluk,
Pudukkottai District.

3.The Tahsildar,
Kulathu Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the Respondent No.1 to expeditiously complete the proceeding and pass final order in Na.Ka.D5/33851/2021 dated 03.12.2021, pending before the Respondent No.1 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Thambi Durai
Government Advocate

ORDER

This Writ Petition is filed seeking a writ of Mandamus to direct the first respondent to complete the proceedings expeditiously and pass final orders in Na.Ka.D5/33851/2021 dated 03.12.2021, in accordance with law within the time stipulated by this Court.

2. According to the petitioner, several ancestral properties in Survey Nos.178/18B measuring 0.07.5 Ares, 178/18C measuring 0.10.5 Ares, 68/6A measuring 0.18.0 Ares, 68/6B measuring 0.11.5 Ares, 68/6C measuring 0.11.5 Ares and 68/9 measuring 0.05.5 Ares in Patta No.124, Thannagudi Village, Pillipatti, Illupur Taluk, Pudukkottai District, belonged to his grandfather, namely, Duraikannu, S/o.Ramasamy. After his demise in the year 1984, the property devolved upon his legal heirs and the revenue officials issued a patta passbook in Patta No.124 in favour of the petitioner's father on 25.06.1992. The aforementioned survey numbers were illegally mutated in the name of Kannan @ Sundaraj. To restore the property in



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favour of his father, the petitioner sent a representation to the second respondent on 14.02.2018. The second respondent, after considering the documents placed before him, partly allowed the prayer and directed the third respondent to transfer the patta in favour of the petitioner's father regarding Survey Nos.178/18B measuring 0.07.5 Ares and 178/18C measuring 0.10.5 Ares in Patta No.27. In respect of other survey numbers, the petitioner filed an appeal before the first respondent, which was taken on file in Na.Ka.D5/33851/2021. The said proceedings is pending before the first respondent and enquiry was conducted on various dates. However, till date, final orders have not been passed.

3. The petitioner states that one Thulasiraman, S/o.Kannan @ Sundaraj, is threatening the petitioner and his family members to withdraw the said petition and he has fraudulently transferred the subject property in favour of his father in Patta No.27, which has to be cancelled. Further, the petitioner states that enquiry has not been conducted vigorously and therefore, he seeks intervention of this Court to direct the first respondent to complete the proceeding expeditiously and pass final orders.



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4. In view of the above submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to complete the proceedings pending before him in Na.Ka.D5/33851/2021 dated 03.12.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity to all the parties, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

02.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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V.BHAVANI SUBBAROYAN,J.

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