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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.15601 of 2023

Rajkumar ... Petitioner

/Vs./

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai District.

3.Ganeshan ... Respondents

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to dispose of the proceedings pending before him in Na.Ka.D5/14841/2018 within the time that may be stipulated by this Court.

For Petitioner : Mr.S.M.Arun Kumar

For R1 & R2 : Mrs.K.Malathi
Additional Government Pleader

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ORDER

The petitioner seeks limited relief of direction to dispose of the pending appeal proceedings in Na.Ka.D5/14841/2018.

2. The grievance of the petitioner is that the petitioner's patta has been cancelled and the name of the third respondent has been mutated in the revenue records by the Tahsildar, as against which, the petitioner has preferred an appeal in the year 2018 before the second respondent. The said appeal is pending for all these years and the petitioner seeks expeditious disposal of the same.

3. The learned counsel for the third respondent would submit that though the suit filed in O.S.No.191 of 20215 by the third respondent before the District Munsif, Pudukottai came to be dismissed, the third respondent has preferred an appeal, which is pending before the Principal Sub-Court, Alangudi and he would therefore contend that the second respondent may not proceed to hear the appeal pending before him.

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4. I have carefully considered the submissions advanced by the counsel appearing on either side.

5. Admittedly, the third respondent was successful in mutating his name in the revenue records after cancelling the patta that stood in the name of the petitioner. Thereafter, the suit filed by the third respondent has also been dismissed and no doubt, an appeal has been preferred against the judgement and decree of the trial Court and the same is pending. However, pendency of the appeal cannot preclude the second respondent from deciding the appeal preferred by the writ petitioner cancelling his patta and mutating the patta in the name of the third respondent.

6. Considering that the appeal is pending from 2018, direction is issued to the second respondent to dispose of the appeal, on merits, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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7. With the above direction, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No **06.03.2025**
am

To

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai District.

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.15601 of 2023

Dated:
06.03.2025

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