

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27097 OF 2015

1.Ramar
S/O Late Shanmugam
2.Lakshmanan
3.Madathiammal
4.Pechiammal
5.Muruganantham
6.Sankarapandi
7.Ramar
S/O Mookkandi
8.Mariammal
9.P.Thavidan
10.Kasi
11.Krishnan

Petitioners

-vs-

1.The Land Commissioner,
Chepauk,
Chennai-600 005.

2.The Assistant Commissioner,
Land Reforms,
Tirunelveli.

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the first respondent in R.P.No.5 of 2014, dated 17.06.2015, quash the same and consequently direct the respondents to delete the lands of an extent of 10 cents together with well in S.No.326/2A, 20 cents in S.No.346, 80 cents in S.No.327/2A, of 6.15 acres in S.No.271/2 and 279/1 at Vadavallanadu Village, Srivaikundam Taluk, from the holding of the deceased land owner Tmt.Kamalam.

For petitioners : Ms.S.Jeevitha Ramani

For respondents : Mr.R.Rajeswaran,
Spl.Govt.Pleader.

O R D E R

Petitioners are aggrieved by the order passed by the Land Commissioner, Chennai, first respondent herein, dismissing R.P.No.5 of 2014, on the sole ground that the Writ Appeal No.1418 of 2012, which has been filed against the order passed in W.P.No.8795 of 2004, dated 07.06.2011, is pending.

2. When the appeal is pending before this Court, then, all that the respondent should have done is to keep the revision petition pending and await the decision from the High Court, or, one more option that was available for the first respondent was to consider the case separately on merit and if it was found that the case was distinguishable on facts from that of the case, which is pending before this Court, then, the authority should have proceeded to consider the same on merits. In this case, the authority did neither of the two deeds stated above, but, proceeded to dismiss the revision petition. Therefore, the impugned order requires to be interfered with on this sole ground.

3. Accordingly, this Writ Petition is allowed and the impugned order is quashed. R.P.No.5 of 2014 is restored to the file of the first respondent and the same shall be kept pending till W.A.No.1418 of 2012 is heard and decided by this Court. After the Writ Appeal is decided by this Court, the petitioner shall file a memo before the first respondent to enable him to proceed further in the matter. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

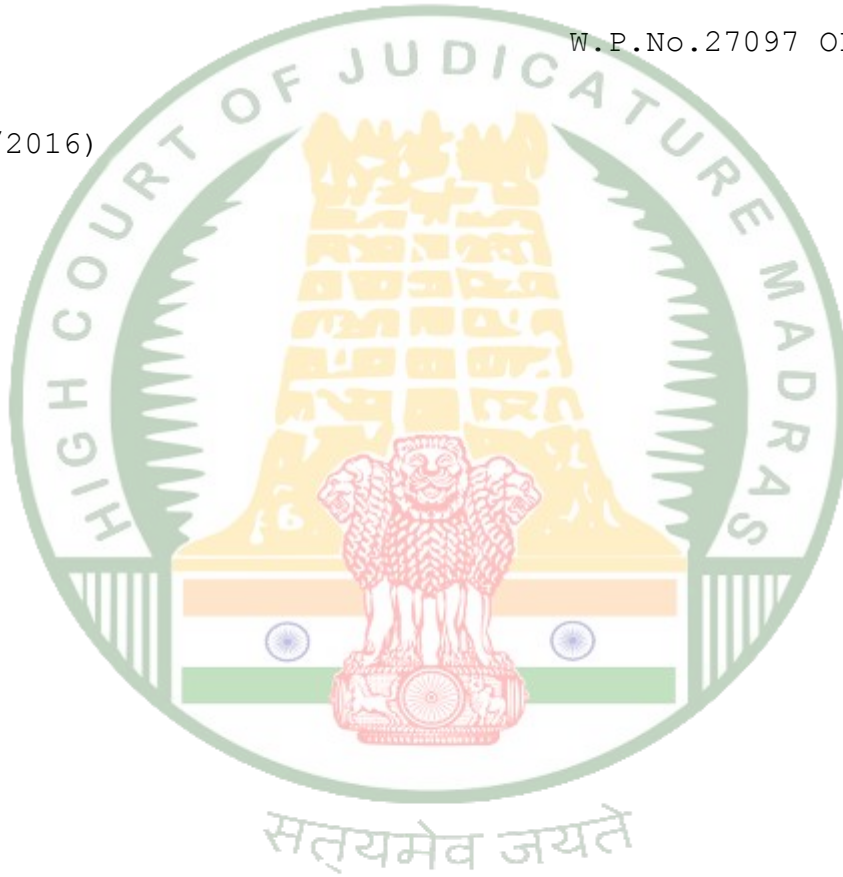
1.The Land Commissioner,
Chepauk,
Chennai-600 005.

2.The Assistant Commissioner,
Land Reforms,
Tirunelveli.

+1cc to Mr.A.Sivaji, Advocate, S.R.No.14819
+1cc to the Government Pleader, S.R.No.14968

W.P.No.27097 OF 2015

bvr (CO)
srg (23/03/2016)



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