



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25/05/2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A(MD)No.894 of 2016

G.Santhi

..Appellant/Petitioner

Vs.

1.The District Collector,
Madurai District

2.The District Revenue Officer,
Madurai District

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar
Madurai South Taluk
Madurai.

5.The Revenue Inspector
Madurai West,
Madurai

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.(MD) No.15906 of 2015 dated 21.04.2016.

Prayer in WP(MD). 15906/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents herein, their men, agents or any one claiming under an on behalf of respondent from in any manner interfering with the petitioner s peaceful possession and enjoyment in plot No.5, comprised in Old.S.No.994/1A and T.S. No.116, Arapalayam Main Road, Madurai-16, pending statutory appeal dated 27.8.2015 filed by the petitioner before the 2nd respondent.

For Appellant : Mr.Veera Kathiravan
senior counsel for
Mr.C.Jeganathan

For Respondents : Mr.S.Kumar
Additional Government Pleader



JUDGMENT

(Judgment of the Court was delivered by R.MAHADEVAN, J.)

The appellant filed W.P.(MD)No.15906 of 2015 seeking a direction to forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment in plot No.5 comprised in Old S.No.994/1A and T.S.No.116, Arappalayam Main road, Madurai 16 pending statutory appeal dated 27.08.2015 before the 2nd respondent. This Court by order dated 21.04.2016 has dismissed the writ petition. Challenging the same, she has come up with this writ appeal.

2. By consent of both sides, this writ appeal has been taken up for disposal at the admission stage itself.

3. We have heard the learned Senior counsel for the appellant and the learned Additional Government Pleader for the respondents.

4. Admittedly, the petitioner has challenged the impugned order dated 03.08.2015 of the Revenue Divisional Officer, Madurai, by way of appeal, which is said to be pending as on date before the appellate authority.

5. The learned senior counsel for the appellant has submitted that against the erroneous cancellation of assignment, the appellant pursued the statutory appeal and the same is pending. In the meanwhile, the Revenue Inspector, Madurai, directed to hand over the vacant possession, against which, writ petition was filed and the same was dismissed. He further submitted that the learned Judge, while dismissing the writ petition, ought not to have observed that the original authority had exercised the power properly for cancelling the assignment, which subject matter is pending before the appellate authority. Hence, he prayed to set aside the order in writ petition.

6. We have considered the above submissions and the grounds and that the observation made by the learned Judge will have direct bearing on the subject of the statutory appeal, which is pending.

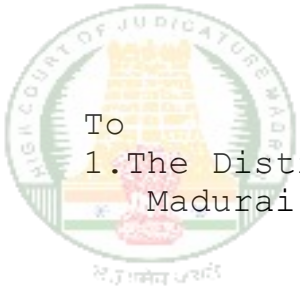
7. In view of the above, this writ appeal is disposed of directing the appellate authority to dispose of the appeal only on merits, without being influenced by the observation made by the learned Judge in the writ petition.

8. With the above direction, this writ appeal is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS I)/
Vacation Officer

/True copy/



To

1.The District Collector,
Madurai District

2.The District Revenue Officer, Madurai District

3.The Revenue Divisional Officer, Madurai.

4.The Tahsildar
Madurai South Taluk, Madurai.

5.The Revenue Inspector
Madurai West, Madurai

+1cc to Mr.C.Jeganathan, Advocate Sr.No.27166

+1cc to the special Government Pleader SR.No.27003

sm:db :SAR II:02.06.2016:3P/8C

Judgment MADE IN
W.A (MD) No.894 of 2016
25.05.2016