

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6.6.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(NPD) No.1700 of 2017

and

C.M.P.No.8018 of 2017

Deivani

.. Petitioner/Appellant

Vs..

The Deputy Collector (Revenue)
Cum Estate Officer,
Deputy Collector Office,
Karaikal.

.. Respondent/Respondent

This Civil revision is filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 17.3.2016 passed in C.M.A.No.1 of 2015 on the file of the District Judge, Karaikal.

For Petitioner	:	Mr.R.Natarajan
For Respondent	:	Mr.C.T.Ramesh, Addl. Govt. Pleader (Pondy)

ORDER

The respondent passed the impugned proceedings No. 9770/DCR/KKL/B4/2014/2015, dated 16.2.2015 under Section 5-A of

the Public Premises (Eviction of Unauthorised Occupants) Act 1971. Challenging the aforesaid order, the petitioner preferred an appeal in C.M.A.No.1 of 2015 before the District Court, Karaikkal. Appeal filed by the petitioner was dismissed. Challenging the said order, the present revision has been filed.

2 At the time of admission, the learned counsel for the petitioner submitted that the petitioner approached the District Court, Karaikkal wrongly. In the light of the decision rendered by the Full Bench of the Allahabad High Court reported in **Yogesh Agarwal vs. Estate Officer (2016(1) CTC 593)**, the appeal is not maintainable before the District Court under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. Hence, the petitioner has filed the memo seeking permission to withdraw the aforesaid appeal filed by the petitioner in C.M.A.No.1 of 2015 on the file of the learned District Court, Karaikal and liberty may be granted to the petitioner to challenge the impugned order passed by the respondent in proceedings No. 9770/DCR/KKL/B4/2014/2015, dated 16.2.2015.

3 Recording the submission made by the learned counsel for the petitioner, the order passed by the learned District Judge, Karaikkal in C.M.A.No.1 of 2015 is set aside. The petitioner is permitted to withdraw the C.M.A.No.1 of 2015 filed under Section 5(A) of Public Premises (Eviction of Unauthorised Occupants) Act 1971. It is open to the parties to challenge the impugned order passed by the respondent before the appropriate forum.

4 Registry is directed to return the original impugned order filed along with the revision petition after obtaining copy of the order.

5 With the above observations, this revision is disposed of. Consequently, connected miscellaneous petition is closed. However, no order as to costs in this revision.

6.6.2017

Speaking/Non Speaking order

Index : Yes / No

Internet : Yes / No

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To

The District Judge, Karaikkal

D.KRISHNAKUMAR, J.

vaan

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