

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD)No.2199 of 2017

A/m. Subramaniaswamy Devasthanam,
Maruthamalai, Rep.by its Deputy
Commissioner/Executive Officer
Petitioner

Vs.

Mr.Krishnasamy Gounder
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking for a direction to the District Court, Coimbatore to the number the Un numbered C.M.A.No. of 2016, pending on the file of District Judge, Coimbatore.

For Petitioner : Ms. V.S.Usharani

ORDER

This petition has been filed seeking for a direction to number the appeal, as per the Section 22 of Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, pending on the file of District Judge, Coimbatore.

2. The petitioner has filed the appeal before the Principal District Court, Coimbatore, aggrieved over the order, dated 31.05.2016 passed in P.T.No.247 of 2002 by the Special Deputy Collector, Trichy.

3. From the records, it is seen that the appeal was presented on 01.08.2016 and the same was returned for various reasons on various occasions and the appeal, still remains unnumbered. Registry has given different reasons, on each return. Clear instructions have been given time and against to the Registry that the defects shall be pointed out comprehensively at the first instance itself. In spite of the same, the appeal has been returned on various occasions. In the instant case, one of the main defects pointed out is about maintainability of the appeal.

4. Against the order of eviction passed by the Revenue Court (Special Deputy Collector) an Civil Miscellaneous appeal lies under Section 22 of the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act 57 of 1961 (herein after referred to as Act). The question as to whether as the appeal is maintainable and the District Court has jurisdiction to entertain the

appeal has been already replied by the counsel for petitioner/Appellant, while complying with the returns. As per Section 22 of the Act an appeal lies to the Principle District Court of Original Jurisdiction. Therefore, the contention raised by the learned counsel for the petitioner that an appeal lies before the Principal District Court is supported by provisions of the Act. The Registry of District Court is directed look in to the provision of the Act and number the appeal, as expeditiously as possible.

5. With these directions, the Civil Revision Petition is allowed. No costs.

07.07.2017

Speaking Order/Non-speaking Order
Index :Yes/No

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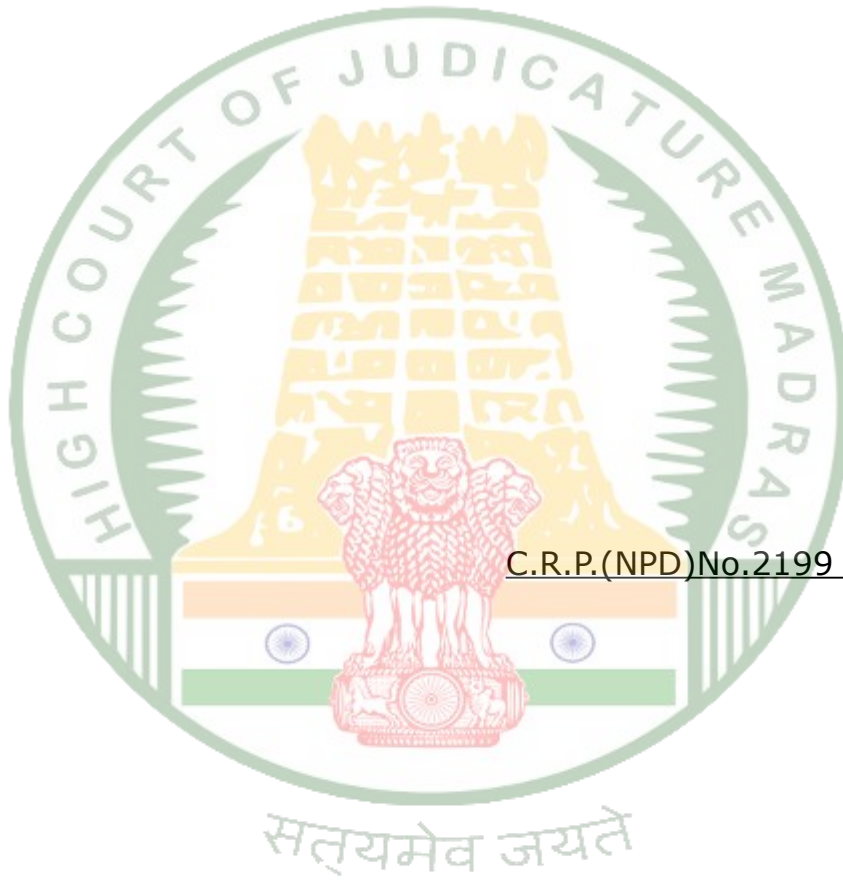
To

The District Court,
Coimbatore.

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M.GOVINDARAJ,J

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