

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.3246 of 2017

and WMP.No.3193 of 2017

K.Kannapiran

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Perambalur-621 212.

2.The Tahsildar,
Perambalur Taluk, Perambalur-621 212.

3.K.Silambayee

4.K.Kumar

5.Ponnusamy

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus, forbearing the first respondent from proceeding the appeal filed by the respondents 3 to 5 in reference No.PP/16/036317 dated 03.08.2016 till the disposal of the suit in O.S.No.360 of 2016 pending on the file of the District Munsif Court, Perambalur.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Kumar

Nos.1 & 2 Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The writ petition is filed by the petitioner, to refrain the first respondent from proceeding the appeal filed by the respondents 3 to 5 in reference No.PP/16/036317 dated 03.08.2016 till the disposal of the suit in O.S.No.360 of 2016 pending on the file of the District Munsif Court, Perambalur.

3.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 & 2.

4.The only grievance of the petitioner is that in a pending appeal before the Revenue Divisional Officer, Perambalur, he had given a legal notice dated 25.08.2016, bringing to the attention of the Revenue Divisional Officer that the appellant therein (in the appeal) before the Revenue Divisional Officer, Perambalur, had already filed a suit in O.S.No.360 of 2016 and the same is pending before the learned District Munsif, Perambalur. Therefore, he only stated that he is a necessary part to the said appeal and he has also filed a petition to implead himself as a necessary party on 27.01.2017. It is stated that neither his notice has been considered nor his application has been taken up by the official respondents. Hence, he has come forward with this present petition.

5.Suffice to state that the authority is seized of the matter and therefore, this Court will not interfere with the same but only to state that the authority will also consider the impleading application of the petitioner as he is also an interested party to the subject property. It is further directed that the Revenue Divisional Officer, Perambalur, shall consider the petitioner's impleading application as the patta stands in his name and pass appropriate orders in accordance with law, as expeditiously as possible, after giving notice to the parties concerned.

6.The writ petition is closed with the above directions. Consequently, connected Miscellaneous Petition is also closed. No costs.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

DP

To

1.The Revenue Divisional Officer,
Perambalur-621 212.

2.The Tahsildar,
Perambalur Taluk, Perambalur-621 212.

+ 1 cc to Govet. Pleader SR.NO.8907

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