



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20151 of 2017
and
WMP(MD)No.16426 of 2017

P.Ganesan ... Petitioner
vs.

1.The Special Deputy Collector,
Revenue Court,
Lalgudi,
Trichy District.

2.Arulmigu Amalatheeswarar Temple,
rep.by its Executive Officer,
Thottiyam,
Trichy District.

3.P.Chellamuthu ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the Order passed in M.P.No.160 of 2016 in P.No.208 of 2014 on the file of the 1st respondent dated 19.09.2016 and quash the same and consequently direct the 1st respondent to remove the name of the 3rd respondent as a party to the proceeding in P.No.208 of 2014.

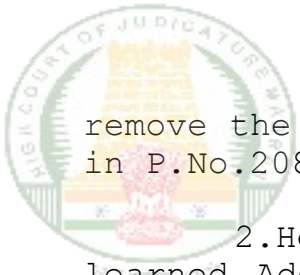
For Petitioner : Mr.C.K.M.Appaji

For R - 1 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R - 2 : Mr.C.Guhaseelan Rupan

O R D E R

This writ petition has been filed seeking to quash the order dated 19.09.2016 passed in M.P.No.160 of 2016 in P.No.208 of 2014 by the first respondent and consequently direct the first respondent to



remove the name of the third respondent as a party to the proceeding in P.No.208 of 2014.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader for the first respondent and the learned counsel for the second respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that he is a cultivating tenant in respect of the land in S.No.37/3, Chittur Village, Thottiyam Taluk, Trichy, which belongs to Arulmigu Amalatheeswarar Temple, the second respondent herein. While so, the second respondent filed a petition before the first respondent seeking eviction of the petitioner from the property, stating that there is default in payment of rent. Since in the said petition, the second respondent has added the third respondent as a party, who is not a necessary party, the petitioner filed M.P.No.160 of 2016 to remove his name and the same was dismissed. Aggrieved by the same, the petitioner is before this Court by filing this writ petition.

4. After making elaborate argument, the learned counsel appearing for the petitioner confines his prayer for early disposal of Petition No.208 of 2014, pending on the file of the first respondent, for which, there is no objection by the contesting respondent as well as official respondent.

5. Under such circumstances, the first respondent is directed to dispose of Petition No.208 of 2014 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after due opportunity of hearing to the petitioner as well as any of the interested parties.

6. With the above direction, this petition is disposed of. No costs. Consequently, WMP(MD)No.16426 of 2017 is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

The Special Deputy Collector,

Revenue Court, Lalgudi, Trichy District.

+One cc to M/s.C.K.M.Appaji, Advocate, SR.No.84882

+2 ccs to Mr.C.Gunaseelaran, Advocate, SR.No.84895

+One cc to The Special Government Pleader, SR.No.85355

mj

<https://hcservices.ecourts.gov.in/hcservices/>

RL/6C/2F/SV/MMS/SAR1/16/11/2017

W.P(MD) No.20151 of 2017

02.11.2017