



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WP (MD) No.7949 of 2011

and

MP (MD) No.1 of 2011

Narayanasamy

... Petitioner

Vs.

1. The District Revenue officer,
Pudukottai District,
Pudukottai.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
3. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.
4. Usha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent not to proceed further in the fourth respondent's representation (Second Appeal) dated 08.01.2010.

For Petitioner	: Mr.T.Lenin Kumar
For R1 to R3	: Mr.G.Muthukannan, Government Advocate.
For R4	: Mr.R.Diwakaran

ORDER

The prayer sought for in the Writ petition is for issuance of a Writ of Mandamus directing the first respondent not to proceed with the appeal filed by the fourth respondent, dated 08.01.2010.

2. Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.G.Muthukannan, learned Government Advocate appearing for the respondents 1 and 3 and Mr.R.Diwakaran, learned counsel appearing for the fourth respondent and perused the materials available on record.

3. It is seen that the third respondent issued Patta in favour of the petitioner by his proceedings in P.Ma.Tho.Mu.P.T.R.392/2005 dated 11.05.2005. Aggrieved over the order, the fourth respondent



preferred an appeal before the second respondent. The second respondent by an order, dated 8.12.2009, dismissed the appeal stating that the suit O.S.No.21 of 2009 and an Interlocutory application No.45 of 2009 filed by the petitioner, were pending before the District Munsif Court, Aranthangi.

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4. Against the order of the second respondent, the fourth respondent has filed a Revision/Second Appeal before the first respondent on 08.01.2010. During the pendency of the revision/second appeal, the petitioner has filed this Writ Petition stating that the suit in O.S.No.21 of 2009 filed by him for seeking declaration and permanent injunction was decreed and the appeal A.S.No.49 of 2014 filed against the Judgment and Decree is pending before the appellate authority. Hence, till the disposal of the Appeal suit, the revision shall not be taken up for hearing.

5. The learned Government Advocate would submit that even though this Court was not inclined to grant interim order, in the present writ petition the revision is still pending due to non cooperation of the parties.

6. In the case on hand, it is seen that the proceedings before the Civil Court, which is pending since 2009, has not reached finality. So, pendency of appeal suit cannot be cited to seek relief in this writ petition. Proceedings before the Revenue authorities can not be kept pending indefinitely.

7. Considering the above facts, I do not find any materials in support of the case of the petitioner. Hence, this Writ petition fails, and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is dismissed.

8. The first respondent shall dispose of the Revision/second appeal filed by the fourth respondent on merits and in accordance with law as expeditiously as possible after providing opportunities to all the necessary parties.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue officer,
Pudukottai District,
Pudukottai.

<https://hservices.courts.gov.in/hservices>
2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.



3. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

+1cc to Mr.T.Lenin Kumar, Advocate Sr.No.78840
+1cc to Mr.S.T.Lenin Kumar, Advocate Sr.No.78991
+1cc to Spl.Government Pleader Sr.No.78779

DSS/MSA

VB/KK/SAR1/06/10/2017/3P/7C

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