

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29053 of 2018
and W.M.P.Nos.33976 and 33980 of 2018

R.Sivakumar

.. Petitioner

Vs.

1. District Revenue Officer,
Namakkal District, Namakkal.

2. Revenue Divisional Officer,
Namakkal.

3. Tahsildar,
Sendamangalam Taluk,
Namakkal District.

4. N.Rajan

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order Pa.Mu.36787/2017/01, dated 14.05.2018 and quash the same, consequently direct the first respondent to decide the petitioner's revision petition dated 07.11.2017 on merits and in accordance with law.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.E.Balamurugan

Special Government Pleader
for RR1 to 3

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O R D E R

Challenging the order dated 14.05.2018 and seeking a direction to the first respondent to decide his revision petition dated 07.11.2017 afresh on merits and in accordance with law, the petitioner has filed this writ petition.

2. The grievance of the petitioner is that the suit, which

is referred to in the impugned order in O.S.No.380 of 1998 on the file of the Additional District Munsif Court, Namakkal, was disposed of as early as in the year 2000 and the final decree is said to be passed on 18.08.2000 and though a copy of the same was furnished to the first respondent, without adverting to the same, the impugned order came to be passed.

3. Heard Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents.

4. Admittedly, the suit in O.S.No.380 of 1998 attained finality. However, in the impugned order, it is stated by the first respondent that the said suit is pending. In view of the same, this Court is of the view that the impugned order dated 14.05.2018 is liable to be aside and the matter has to be remitted back to the first respondent.

5. It is relevant to note that the fourth respondent is said to have filed a suit in O.S.No.436 of 2000 on the file of the Additional District Munsif Court, Namakkal, for declaration of title and though the same was dismissed on 27.02.2002, the first appeal was allowed and now the petitioner has preferred a second appeal.

6. In such circumstances, the impugned order dated 14.05.2018 is set aside and the matter is remitted back to the first respondent. The first respondent is directed to consider the matter afresh and pass appropriate orders on merits and in accordance with law, after issuing notice and affording an opportunity of hearing to the petitioner, the fourth respondent and any of the interested persons in the matter, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1. The District Revenue Officer,
Namakkal District, Namakkal.

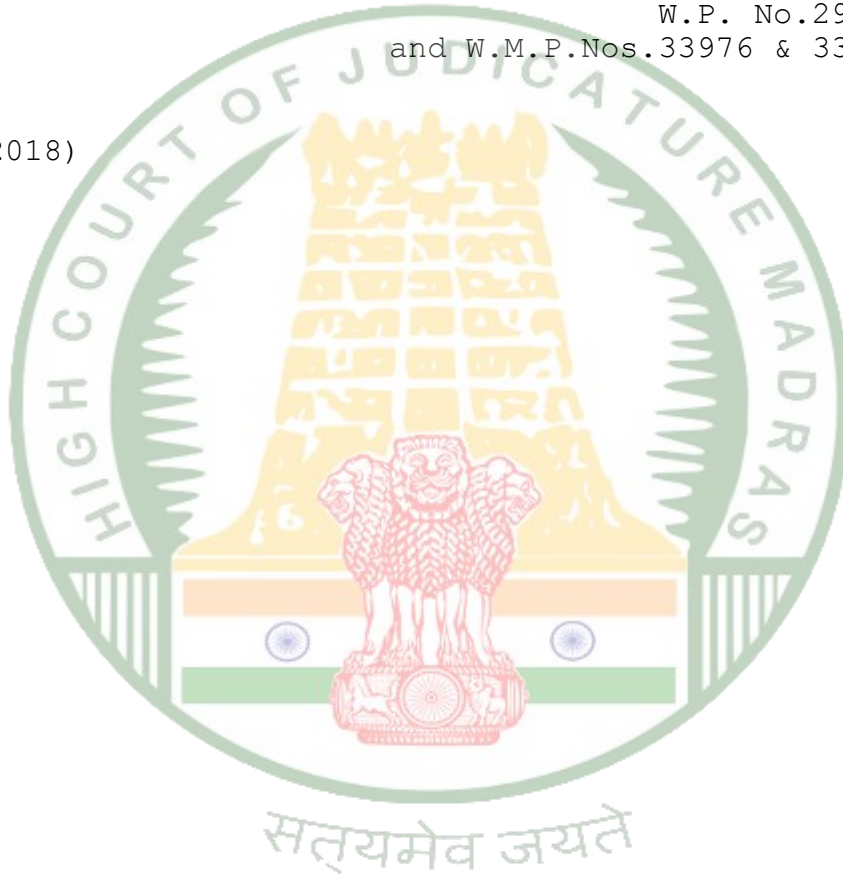
2. The Revenue Divisional Offier,
Namakkal.

3. The Tahsildar,
Sendamangalam Taluk,
Namakkal District.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No. 79731
+1cc to the Government Pleader, S.R.No. 80479

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SSD(CO)
GN(18/12/2018)



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