



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2018

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

C.M.P. (MD).No.1877 of 2018
in
W.A (MD) SR.No.7940 of 2018

S.Sonaimuthu Pillai

... Petitioner /Appellant

Vs.

1.Muthumani

2.The District Revenue Officer,
Madurai District,
Madurai.

... Respondents/Respondents

PRAYER in M.P.(MD).No.1877 of 2018: This Civil Miscellaneous Petition filed under Section 5 of the Limitation Act praying this Court to condone the delay of 48 days for filing Writ Appeal.

PRAYER in W.A.(MD)SR.No.7940 of 2018:This Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P (MD)No.22388 of 2017, dated 07.12.2017 and may direct the District the District Revenue Officer, Madurai to finalize, the issue in Na.Ka.No.42017 of 2015, subject to the result in O.S.No.95 of 2016 pending on the file of District Munsif Court, Melur.

Prayer in WP(MD). 22388/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Order or direction in the nature of Writ directing the 1st respondent herein to dispose of the revision in Na.Ka.No.42017 of 2015 against the order passed by the Revenue Divisional Officer, Madurai in Na.Ka.No.1389/2014, dated 22.07.2015 within a time frame that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.P.Narayanakumar

For R1 : Ms.Sona Alagesh

For R2 : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was delivered by K.RAVICHANDRABABU, J.]

The present Miscellaneous Petition is filed seeking to condone the delay of 48 days in filing the writ appeal.

2.The appellant is the second respondent in the writ petition. In view of the subsequent development taken place, as informed by the learned counsel appearing for the first respondent/writ petitioner as well as the learned Special Government Pleader for the second respondent, we propose to dispose the Miscellaneous Petition as well as the W.A.(MD)SR.No.7940 of 2018 together, as nothing remain in the writ appeal to be considered and adjudicated on merits.

3.The writ petition was filed seeking for a direction to the District Revenue Officer, to dispose of the Revision filed by the second respondent, who is the appellant before us. The learned single Judge disposed the writ petition at the admission stage itself by directing the District Revenue Officer to dispose the Revision on merits and in accordance with law after affording due opportunity of hearing to the petitioner and the second respondent, who is the appellant before us, as well as all the other interested parties. Challenging the said order, the present writ appeal is filed, however, with a delay of 48 days. After notice, the matter is taken up today for further hearing.

4.The learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the second respondent/District Revenue Officer submitted before us that in pursuant to the order passed by the learned single Judge, the very Revision itself filed by the appellant herein, was disposed of on 08.03.2018. Therefore, it is contended that nothing survives in the writ appeal to be agitated upon further.

5.Considering the above stated facts and circumstances and more particularly, the fact that the Revision itself was disposed of by the District Revenue Officer, it is for the affected parties to challenge the said order before the appropriate Forum in the manner known to law, as the writ Court has not expressed any view on the merits of the matter and only passed an order directing the Revisional authority to dispose of the Revision on merits and in accordance with law. Therefore, both the Miscellaneous Petition as well as the W.A.(MD)SR.No.7940 of 2018 are closed, as no further order is necessary. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar



To

1.The District Munsif Court,
Melur.

2.The District Revenue Officer,
Madurai District,
Madurai.

+1cc to Mr.K.P.Narayana Kumar, Advocate, SR.No.60907

+1cc to M/s.P.Sona Alagesh, Advocate, SR.No.61143

rj2

RL/5C/3P/KK/SAR1/27/4/2018

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