



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.12567 of 2018

T.Deivathadiyan @ Manikandan : Petitioner

Vs.

1.The Tahsildhar,
Srivaikuntam Taluk Office,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Deputy Superintendent Police Office,
Srivaikuntam,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation/objection dated 09.06.2018 in the light of the judgment and decree passed in S.A. (MD) Nos.458 and 597 of 2012, within the time frame fixed by this Court.

For Petitioner : Mr.J.Ashok
For Respondents : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents to consider his representation/objection dated 09.06.2018, in the light of the judgment and decree passed in S.A. (MD) Nos.458 and 597 of 2012, within the time frame fixed by this Court.

2. This Court, by order dated 30.05.2018, in W.P. (MD) No.11531 of 2018, at the instance of one D.Muthukaruppan Pillai @ Velayutham, directed the first and second respondents in the present Writ Petition to dispose of his representation dated 17.05.2018, in the light of the judgment and decree passed in O.S.No.133 of 2007, dated 23.03.2011 on the file of the District Munsif Court, Srivaikundam.



3. Now, the learned counsel appearing for the petitioner would submit that against the judgment and decree passed in O.S.No.133 of 2007 mentioned in the previous order, an appeal was filed and it reached upto the stage of Second Appeal before this Court. The learned counsel would further contend that the Second Appeals in S.A.(MD)Nos.458 and 597 of 2012 were disposed of on 12.09.2014 in favour of the petitioner's father, namely Meenakshi Sundaram Pillai. The petitioner in the previous Writ Petition, namely D.Muthukaruppan Pillai @ Velayutham has suppressed the fact of the later developments and obtained an order on 30.05.2018 without impleading the petitioner herein as a party to the litigation. Therefore, it is just and necessary to consider the representation, in the light of the Judgment and Decree passed by this Court in S.A.(MD)Nos.458 and 597 of 2012.

4. In view of the submissions and also the judgment of this Court in S.A.(MD)Nos.458 and 597 of 2012, the direction issued in W.P.(MD)No.11531 of 2018 is modified to the extent that the first and second respondents herein shall consider the representation of D.Muthukaruppan Pillai @ Velayutham, in the light of the judgment and decree of this Court in S.A.(MD)Nos.458 and 597 of 2012, dated 12.09.2014.

5. Now that the petitioner has also given another representation and seeks disposal of the same, the first and second respondents are directed to consider the representation of the petitioner dated 09.06.2018, in the light of the judgment and decree passed by this Court in S.A.(MD)Nos.458 and 597 of 2012, dated 12.09.2014, after giving notice to all the parties concerned including the said D.Muthukaruppan Pillai @ Velayutham, the petitioner in W.P.(MD)No.11531 of 2018. The first and second respondents are further directed to give personal hearing to all the parties concerned and thereafter, pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of in the above terms. No costs.

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Tahsildhar,
<https://hcservices.ecourts.gov.in/hcservices/>
Srivaikuntam Taluk Office,
Thoothukudi District.



2.The Deputy Superintendent of Police,
Deputy Superintendent Police Office,
Srivaikuntam,
Thoothukudi District.

+1cc to Mr.J.Ashok, Advocate, SR.No.68138.

+1cc to Special Government Pleader, SR.No.68254.

Order made in
W.P (MD) No.12567 of 2018
Dated: 13.06.2018

sml

RAM/SB/SAR 3/22.06.2018/3P/5C