



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 24682 of 2018

and

W.M.P. (MD) Nos. 22381 and 22382 of 2018

Srinivasaragavan

... Petitioner/Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Theni,
Theni District.

2. The District Revenue Officer,
Office of the District Revenue Officer,
Theni,
Theni District.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam,
Theni District.

4. The Tahsildar,
Taluk Office,
Theni Taluk,
Theni District.

5. The Village Administrative Officer,
Office of the Village Administrative Officer,
Unjampatti Village,
Theni Taluk,
Theni District.

6. V. Rajeswari
7. M. Sivanandan

... Respondents/Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in No. Ka. No. 4338/2014/A3, dated 24.07.2014 passed by the fourth respondent and quash the same as illegal.



For Petitioner

:Mr.A.K.Hemaraj

For R1 to R5

: Mr.B.Bhagavathi
Government Advocate

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ORDER

There was a dispute between the writ petitioner and the sixth respondent. The sixth respondent secured an order in her favour from the Revenue Divisional Officer, Periyakulam vide proceedings dated 12.05.2010. Questioning the same, the writ petitioner moved the second respondent in the very same year. It appears that the second respondent had put the appeal proceedings on hold in view of the pendency of the civil suit between the two parties. In the meanwhile, the sixth respondent had sold the property in question in favour of one Sivanandan. The fourth respondent, by order dated 24.07.2014 had changed the patta in favour of Sivanandan. Challenging the same, the writ petition has been filed.

2.I am of the view that the issue can be resolved by permitting the petitioner to implead the said Sivanandan, namely seventh respondent herein, in the pending appeal proceedings before the second respondent. The second respondent is directed to allow the impleading application. Thereafter, the second respondent shall dispose of the petitioner's application on merits and in accordance with law and pass orders within a period of eight weeks thereafter.

3.It is made clear that this Court has not pronounced anything on the merits of the matter. Notice to the respondents 6 and 7 has been dispensed with in view of the nature of the relief granted to the petitioner herein. It is reiterated that the second respondent shall dispose of the petitioner's appeal only after hearing 6th and 7th respondents. The Respondents 6 and 7 shall be intimated about the next hearing date.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P AND A)

/True Copy/

Sub Assistant Registrar(CS I)

rmi



To

1.The District Collector,
Office of the District Collector,
Theni,
Theni District.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Theni,
Theni District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam,
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4.The Tahsildar,
Taluk Office,
Theni Taluk,
Theni District.

5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Unjampatti Village,
Theni Taluk,
Theni District.

1CC TO MR. A.K. HEMARAJ, ADVOCATE SR 100643

1CC TO THE SPL GOVT PLEADER SR 100411

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and W.M.P. (MD) Nos.22381 and 22382 of 2018
14.12.2018