

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.21122 of 2019
and
WMP Nos.20321 and 27249 of 2019

Pradeep Kumar

.. Petitioner

/versus/

1. Union of India
Rep. by Secretary to Government
Revenue Department,
Office of the Chief Secretariat
Government of Puducherry.

2. The Presiding Officer,
Revenue Court,
Karaikal.

3. S.Suganya

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the proceedings in O.P No.16 of 2018 pending on the file of the second respondent is unconstitutional, ultra vires and non-est in the eye of law.

For Petitioner :Mr.R.Sreedhar

For Respondents :Mr.C.Manishankar

Senior Counsel assisted by

Mr.S.Ramasamy for R3

Mr.A.V.Ramalingam

AGP, Pondicherry for R1 & R2

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O R D E R

This petition has been filed seeking to declare the proceedings in O.P No.16 of 2018 pending on the file of the second respondent is unconstitutional, ultra vires and non-est in the eye of law.

2. After hearing the learned counsels at length, this Court is of the view that, any detail discussion of this case

may prejudice either of the parties in the matter pending before the first respondent. Therefore, without advertng to the merits of the case, this Court directs the second respondent herein to consider the petition including the preliminary objection taken by the writ petitioner regarding the maintainability of the O.P No.16 of 2018, filed under Section 5(A) of the Pondicherry Cultivating Tenants Protection Act, 1970. It is open to the parties to canvass the merits of their respective case including the maintainability.

3. Participation of the writ petitioner in the enquiry proceedings shall not be taken as acquiescence and submission to the jurisdiction of the 2nd respondent.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Revenue Department,
Office of the Chief Secretariat
Government of Puducherry.

2. The Presiding Officer,
Revenue Court,
Karaikal.

+1cc to Mr.R.Sreedhar, Advocate SR.No.81256

+2cc to Mr.B.Shyam, Advocate SR.No.80876

+1cc to Public Prosecutor (Pondicherry) SR.No.80964

W.P.No.21122 of 2019
WMP Nos.20321 and 27249 of 2019

GMY (26/09/2019)