



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P.(MD)Nos.5637 of 2010 and 19803 of 2019

and

W.M.P.(MD)Nos.16284, 16285 and 16286 of 2019

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W.P. (MD)No.5637 of 2010

1.R.Gopal Shankar(died)
2.G.Johndevi
3.Minor G.Nivetha
4.Minor G.Harini ... Petitioners
(P.2 to P.4 are substituted as LR's of the
deceased P.1 vide order dated 26.09.2019
made in WMP(MD)No.6130 of 2019)
(Minor Petitioners are represented by their mother)
Vs.

1.Usha

2.The District Registrar,
Office of Registrar,
Pattukkottai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the notice in ref.Na.Ka.No.3394/2009/Aa1 dated 10.03.2010 and quash the notice issued by the second respondent as illegal without jurisdiction and arbitrary.

For Petitioner : Mr.M.R.S.Prabhu
for Mr.V.K.Vijayaragavan

For Respondents : Mr.B.Prasanna Vinoth
for Mr.Kumaresan
for R.1

: Mr.V.Anand
Government Advocate
for R.2

W.P. (MD)No.19803 of 2019

John Devi ... Petitioner
Vs.

1.The District Registrar (Administration),
Office of District Registrar,
Pattukkottai,
Thanjavur District.



2.S.Usha

3.S.Sivananthan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the notice issued by the first respondent in Ref Na.Ka.No.838/Aa1/2018 dated 10.07.2019 fixing enquiry on 22.07.2019 and on the subsequent dates and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.M.R.S.Prabhu

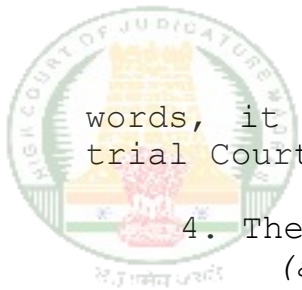
For Respondents : Mr.V.Anand
Government Advocate
for R.1
:Mr.B.Prasanna Vinoth
for R.2 and R.3

COMMON ORDER

This common consent order will dispose of both these writ petitions. 'W.P.(MD)No.5637 of 2010' will be referred to as 'I Writ Petition' and 'W.P.(MD)No.19803 of 2019' will be referred to as 'II Writ Petition' for the sake of convenience and clarity.

2. The factual matrix in these writ petitions and central theme or in other words, controversy in these two writ petitions have been captured and encapsulated in the impugned proceedings bearing ref.Na.Ka.No.3394/2009/Aa1 dated 10.03.2010 and Ref Na.Ka.No.838/Aa1/2018 dated 10.07.2019, issued by the second respondent and first respondent respectively.

3. One other fact which was brought to the notice of this Court is that after proceedings dated 10.03.2010, one of the parties had moved a Civil Revision Petition in this Court being C.R.P.No.2332 of 2018 against an order made in an interlocutory application for impleading in O.S.No.54 of 2009, on the file of the District Munsif Court, Pattukkottai. Be that as it may, it is submitted today by all the learned Counsel before this Court without any contestation or disputation that this Civil Revision Petition has since been withdrawn today (15.11.2019). To be noted, an interim order was operating in this Civil Revision Petition, which has now come to an end owing to withdrawal of main Civil Revision Petition. In other



words, it is submitted that there is no legal impediment for the trial Court to proceed with the suit.

4. Therefore, the following consent order is passed:

(a) Impugned orders in both these writ petitions being ref.Na.Ka.No.3394/2009/Aa1 dated 10.03.2010 and Ref. Na.Ka.No.838/Aa1/2018 dated 10.07.2019 are set aside. To be noted, impugned orders are set aside without expressing any opinion on merits of the matter and impugned orders are being set aside for the purpose of enabling the parties to proceed with the civil suit so that they stand governed by the civil Court decree which shall be passed by expedited disposal;

(b) O.S.No.54 of 2009, on the file of District Munsif Court, Pattukkottai in which the contentious sale deeds have been put in issue will stand expedited, since pleadings are completed. It is a decade old suit. Therefore, the Presiding Officer of District Munsif Court, Pattukkottai is directed to proceed with the trial expeditiously and dispose of the suit on its own merits, in accordance with law within a period of four months from the date of receipt of a copy of this order; and

(c) All parties to these writ petitions will now stand governed by the decree that is ultimately passed in the aforesaid civil suit, though obvious, subject to finality of the decree or in other words, subject to the decree attaining finality / legal quietus.'

5. Both these Writ Petitions are disposed of in the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

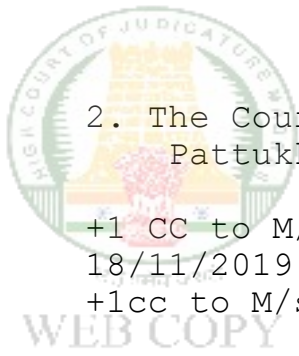
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Sub Assistant Registrar(CS)

SSL.

To

1.The District Registrar (Administration),
Office of District Registrar,
Pattukkottai,
Thanjavur District.



2. The Court of Principal District Munsif,
Pattukkottai.

+1 CC to M/s.V.K.VIJAYA RAGAVAN, Advocate (SR-99154[F] dated
18/11/2019)

+1cc to M/s.Special Government Pleader,SR.No. 99035

+1 cc Mr.B.PRASANNA VINOTH ,Advocate, SR.No. 99134

W.P (MD) Nos.5637 of 2010 and 19803 of
2019
15.11.2019

KK/SAR/03.12.2019/4P-6C/