



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
W.P(MD)No.20158 of 2019

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K.Kumar

... Petitioner

vs.

1.The District Revenue Officer(cum)
Additional District Administrative Magistrate,
Collectorate Campus,
Ramanathapuram,
Ramanathapuram District.

2.Muniyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass orders in the Revision in proceedings Ref.No.Na.Ka.P5/17730/2016 pending before the first respondent since March 2016 within the time limit prescribed by this Court.

For Petitioner : Mr.K.C.Ramalingam
For Respondents : Mr.Ayiram K.Selvakumar
Additional Government Pleader
for R.1

ORDER

Mr.K.C.Ramalingam, learned counsel on record for writ petitioner is before this Court.

2. Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of first respondent.

3. From the case file and submissions made in Court, it comes to light that this writ petition can be disposed of by passing an order which is not adverse to rights of second respondent (revision petitioner before first respondent/private respondent). Be that as it may a safety valve is also being put in place in this regard and the same shall be set out infra elsewhere in this order. With consent of learned counsel for writ petitioner and State Counsel, main writ petition is taken up, heard out and is being disposed of.

4. In the instant case, the sole respondent in a revision petition before first respondent is the writ petitioner's father one Kilava Konar, whom this Court is informed died on 30.11.2018. In this regard, averments in paragraph No.3 of the affidavit filed in



support of instant writ petition becomes relevant and the relevant portion of paragraph No.3 reads as follows:

'The petitioner submits that he is the son of Kilavan @ Kilava Konar who is the sole respondent in the revision pending before the 1st respondent was died on 30.11.2018. The death of said Kilavan @ Kilava Konar was communicated to the respondents and filed a Memo on 04.01.2019 and details of the legal heir of the deceased Kilavan @ Kilava Konar was also furnished to the counsel for the Revision petitioner to enable him to implead the legal heir in the said revision pending before the 1st respondent on 05.02.2019. The same was also served to the counsel for the Revision Petitioner on 16.02.2019. In spite of it, the revision petitioner has not taken any further steps to implead the legal heirs of deceased Kilavan @ Kilava Konar.'

5. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of second respondent's (private respondent) revision filed on 24.03.2016, before first respondent.

6. Notwithstanding several averments made in the affidavit filed in support of writ petition on hand, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of this writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned revision of the second respondent (private respondent) dated 24.03.2016 (page Nos.26 to 31 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

7. The first respondent shall take up the memo filed by the writ petitioner and pass orders on its own merits and in accordance with law regarding bringing on record the legal heir /heirs of Kilava Konar and then dispose of the revision petition dated 24.03.2016 on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Second respondent herein who is revision petitioner in the revision shall be put on notice and given a reasonable opportunity by first respondent. To be noted, this is the safety valve qua second respondent alluded to supra.

8. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The order of disposal of revision shall be communicated by the office of the first respondent to the writ petitioner and second



respondent under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Revenue Officer(cum)
Additional District Administrative Magistrate,
Collectorate Campus,
Ramanathapuram,
Ramanathapuram District.

+1 CC to Mr.K.C.RAMALINGAM, Advocate (SR-87715[F] dated
19/09/2019)

+1 CC to SPL GP (SR-88322[F] dated 20/09/2019)

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19.09.2019

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