



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

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

WEB COPY

**W.P(MD)No.20683 of 2019**  
**and**  
**W.M.P(MD).No.17301 of 2019**

Prabahar

... Petitioner

vs.

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The Revenue Divisional Officer,  
Sathur Sub Divisional Officer,  
Virudhunagar District.

3.Malliga

4.The Sub Registrar,  
Seithur, Virudhunagar District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to expedite the appeal proceedings pending in Appeal No.A2/22110/2019 against the order passed by the second respondent made in Nee.Mu.A1/4143/2018 dated 09.07.2019 within time stipulated by this Court.

For Petitioner : Mr.A.Balaji

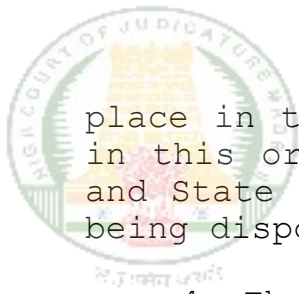
For Respondents : Mr.M.Murugan (for R1, R2 and R4)  
Government Advocate

**ORDER**

Mr.A.Balaji, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of the respondents 1, 2 and 4 (official respondents).

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 third 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. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's appeal filed on 15.07.2019, wherein the writ petitioner has sought to set aside an order dated 09.07.2019 passed by the second respondent bearing reference No.ep.K.m1/4143/2018.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, 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 the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned appeal of the writ petitioner, dated 15.07.2019 (page Nos.28 to 33 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

6. The aforesaid appeal dated 15.07.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of four weeks from the date of receipt of a copy of this order, if not already disposed of. Third respondent herein who is sole respondent in the appeal shall be put on notice and given a reasonable opportunity by first respondent. To be noted, this is the safety valve alluded to supra.

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

8. The order of disposal of appeal shall be communicated by the office of the first respondent to the writ petitioner and third respondent under due acknowledgement within seven(7) working days from the completion of aforesaid exercise.

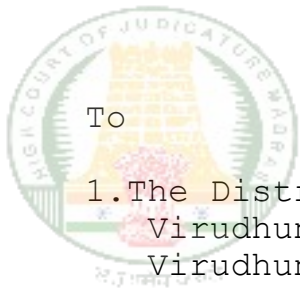
9. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

rmk



To

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The Revenue Divisional Officer,  
Sathur Sub Divisional Officer,  
Virudhunagar District.

3.The Sub Registrar,  
Seithur, Virudhunagar District.

+1 CC to M/s.A.BALAJI, Advocate ( SR-89282[F] dated 25/09/2019 )

+1 CC to M/s.GP ( SR-89804[F] dated 26/09/2019 )

**W.P (MD) No.20683 of 2019**  
**25.09.2019**

JM/15.10.2019/3P/6C