



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.18355 of 2020

D.Ponnappan

.. Petitioner

Vs.

The Revenue Divisional Officer,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to dispose of the petitioner's appeal dated 18.03.2020 within the time frame as fixed by this Court.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr.M.Muniyasamy
Additional Government Pleader

ORDER

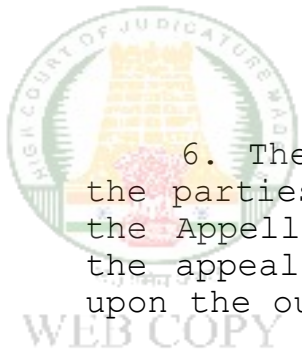
This writ petition has been filed for issuance of a direction to the respondent to dispose of the petitioner's appeal dated 18.03.2020 within the time frame as fixed by this Court.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. Mr.M.Muniyasamy, learned Additional Government Pleader takes notice for the respondent.

4. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader that already a Civil Suit is pending in O.S.No.96 of 2019 before the District Munsif Court, Nanguneri. It is further represented that in this writ petition, the said Sarojini Ammal, on whom the petitioner made allegation that an attempt was made for illegal construction by her in the petitioner's property is not made as a party.

5. Since a Civil Suit is pending, the petitioner is not entitled to get the relief sought for in the writ petition and the remedy lies to the petitioner only before the Civil Court and this Court cannot look into the issue raised in this writ petition. The conduct of the petitioner in non-inclusion of the necessary persons in the writ petition as a party respondent, is highly deprecated.



6. Therefore, it is open to the respondent that after hearing the parties, who are interested or who are likely to be affected, the Appellate Authority shall consider the request and dispose of the appeal of the petitioner dated 18.03.2020 and it is depending upon the outcome of the Civil Court proceedings.

7. Therefore, this writ petition stands disposed of by granting liberty to the petitioner to agitate his grievance before the appropriate forum. No Costs. It is needless to state that the Civil Court can proceed with the issue without adjourning the same beyond 15 working days at any point of time.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Revenue Divisional Officer,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

W.P (MD) No.18355 of 2020

14.12.2020

MJ (CO)

NR (30/12/2020) 2P : 2C