



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.33350 of 2016 and
W.M.P.No.28796 of 2016 and W.M.P.No.17245 of 2019

1.Lakshmi Kanthammal
2.Kumar @ Konda Reddiar
3.Yogambal @ Mangaiyarkarasi ... Petitioners
Vs.

1. The Land Tribunal
(Under the Land Reforms
(Fixation of Ceiling on Land) Act 1961)
(The District Revenue Officer), Villupuram.

2. The Assistant Commissioner,
Land Reforms, Villupuram.

3. Krishnaparayanar ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petition in I.A. dated 30.10.2014 filed by them in Appeal No.Na.Ka.19425/2012/U3 (before disposing of the main Appeal) within the time that may be fixed by this Court.

For Petitioners : Mr.T.P.Manoharan,
Senior Counsel
For Mr.A.Senthil Narayanan

For Respondents 1 & 2 : Mr.Richardson Wilson
Government Counsel

For 3rd Respondent : No appearance

ORDER

The prayer sought for herein is for a writ of mandamus directing the first respondent to dispose of the Petition in I.A. dated 30.10.2014 filed by the petitioners in Appeal No.Na.Ka.19425/2012/U3 (before disposing of the main Appeal).



2. As against the proceedings issued under the Land Reforms (Fixation of Ceiling on Land) Act, 1961, the petitioners preferred appeal before the first respondent in Appeal No.Na.Ka.19425/2012/U3. During the pendency of the appeal, it seems that, notice had been issued also to the third respondent herein, who, according to the petitioners, is not the necessary party to be heard and therefore, the summons to be issued in the name of the third respondent is unwarranted exercise, hence, in order to delete the name of the third respondent for issuing notice or summon by the first respondent, the petitioner has filed an Interlocutory Application in the year 2014. However, the said application have been kept pending without taking any decision. Therefore, in this context, the petitioner has filed the present writ petition seeking the aforesaid prayer to issue a direction to the first respondent to decide the said I.A. filed on 30.10.2014 and is pending before the first respondent on merits within a time frame to be fixed by this Court.

3.Reiterating the aforesaid factual matrix, Mr.T.P.Manoharan, learned Senior Counsel appearing for the petitioners seeks indulgence of this Court to issue a suitable direction to the first respondent.

4.Heard Mr.Richardson Wilson, learned Government Counsel appearing for respondents 1 and 2, who would submit that, if at all the Interlocutory Application has already been filed in 2014 and the same has not been disposed of, probably, that may be due to the interim order passed by this Court in this writ petition that no further proceedings can be permitted to go.

5.Now if the writ petition itself is disposed, within a reasonable time the first respondent would decide the I.A. before taking up the main Appeal for decision on merits and in this regard, whatever be the direction fixing a time limit to the first respondent to decide the I.A. pending before the first respondent would be considered and accordingly, orders would be passed on merits on the said I.A., he contended.

6.When the case is called, there is no representation for the third respondent. In view of the order going to be passed herein, the further hearing from the third respondent cannot arise and therefore, this Court is inclined to dispose of this writ petition.

7.If the petitioner has filed I.A. dated 30.10.2014 before the first respondent in the pending appeal, the said I.A. should have been decided on merits at an early date. However, since the said Interlocutory Application has not been considered, the petitioner wanted the I.A. to be disposed at an early date on



merits, because the prayer sought for therein is for not to issue notice to the third respondent.

8. In view of the said innocuous nature of the prayer and having heard the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the first respondent to take up and decide the I.A. dated 30.10.2014 filed in Appeal No.Na.Ka.19425/2012/U3 pending before the first respondent arising out of the proceedings issued under the Land Reforms (Fixation of Ceiling on Land) Act, 1961 and pass orders thereon on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sgl
27.07.2021

Sd/-
10.08.2021

FOR BEING MENTIONED

This Petition having been posted on this Wednesday, the first day of September 2021 "For being Mentioned". In pursuance to the order of this Court dated 27.07.2021 and made herein in the presence of the abovesaid Advocates, this Court made the following order.

Today, this matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the third respondent, Mr.P.Vijendran. His grievance is that though he appeared, in the appearance column, it is mentioned as if that there is no appearance for third respondent, hence, he wants correction.

2. Though in the order, dated 27.07.2021, at paragraph No.6, it was noted that there was no representation for the third respondent, in view of the definite submission now made and infact, asserted by Mr.P.Vijendran, learned counsel appearing for the third respondent that, on the date of hearing, he has logged into the online and due to technical issue, he could not make the submissions, however, since the conclusion reached by this Court in order, dated 27.07.2021 is not



prejudicial to the interest of the third respondent, there could be no issue in the order passed on 27.07.2021, however, his absence noted on behalf of the third respondent as counsel concerned alone is to be corrected, he contended.

WEB COPY

3. In view of the same, Registry is directed to take the name of Mr.P.Vijendran, counsel for the third respondent and issue the corrected order copy to the parties.

Sd/-

Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

PJL

To:

1. The Land Tribunal
(under the Land Reforms
(Fixation of Ceiling on Land) Act 1961)
The District Revenue Officer, Villupuram.
2. The Assistant Commissioner,
Land Reforms, Villupuram.

**To be substituted
to the order
already despatched
on 24.08.2021**

***+2cc to Mr.P.Vijendran, Advocate, S.R.No.44013**

+1cc to the Government Pleader, S.R.No.36273

W.P.No.33350 of 2016

AJS (CO)

SU(16/08/2021)

GMV(02/11/2021)