



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

Coram

The Hon'ble Mr. Justice PARESH UPADHYAY
and

The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.No.2543 of 2021
and C.M.P.No.16556 of 2021

Dr.N.Maragatham

..Appellant/3rd Respondent

Vs

1.R.Ranjith

2.The Additional Chief Secretary,
O/o. The Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The Revenue Divisional Officer,
O/o. The Revenue Division,
Kallakuruchi,
Kallakurichi District.

..Respondents/ Petitioners/ Respondents

Appeal preferred under Clause 15 of Letters Patent against
the order dated 16.08.2021 made in W.P.No.17033 of 2021.

Prayer in W.P.No.17033 of 2021

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein in his proceedings in Na. Ka. A4 / 2200 / 2021 dated 23.07.2021 and quash the same and consequently direct the 2nd respondent not to conduct any further enquiry in representation of the 3rd respondent in violation to the Circular dated 13.03.2018 in Ref. NO. K3 / 27160 / 2008 of the 1st respondent and without waiting for the outcome of the O. S. NO. 115 of 2021 pending before the Learned Additional District Munsif-I Kallakurichi.

For Appellant .. Mr.A.Thiyagarajan, Sr.Counsel
for Mr.D.Veerasekharan



WEB COPY

For Respondents .. Mrs.Kanimozhi Mathi for R1
Mr.S.Ravi Kumar,
Special Government Pleader
for R2 & R3

JUDGMENT
(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order of learned Single Judge dated 16 August 2021 in W.P.No.17033 of 2021 disposing of the writ petition with certain observations against the third respondent without issuance of notice on the writ petition. This appeal is by the said third respondent.

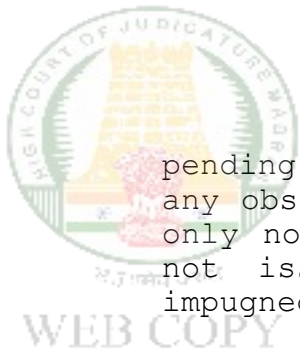
2. We have heard learned advocate for the appellant and learned advocate for the first respondent/ original writ petitioner.

3. Though both learned advocates have attempted to address the Court on merits of the dispute between the parties inter se, we have not entertained any of the submission for the reason that the impugned order is passed without even issuance of notice to the third respondent, further making certain observations if not against him, at least qua her in paragraphs 7 and 8, which read as under:

"7. In view of the same the impugned notices are set aside and it is also advisable that the 3rd respondent participate in the civil suit, ensures that the decree or otherwise is passed in the suit comes to a finality and thereafter approach the revenue authorities for any relief. If pending the suit, the 3rd respondent seek to get any relief, it is only appropriate that the 3rd respondent files necessary application before the civil court where the suit is pending and that court can examine the application and pass appropriate orders.

8. In view of the same, the Writ Petition is disposed of with the observations as stated above without issuing notice to the 3rd respondent, particularly because she is a defendant in the pending suit. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed."

4. Since in the impugned order observations are made as to what the third respondent (present appellant) should do in the



pending proceedings, we find that it was not proper to record any observations without hearing the third respondent. It is not only not disputed but it is a matter of record that notice was not issued to the third respondent. For this reason, the impugned order is quashed and set aside.

5. Since we have not gone into the merits of the matter, the writ petition is restored to file which may be adjudicated on merits, if request is made by the original writ petitioner.

6. With the above observation, this writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Additional Chief Secretary,
O/o. The Additional Chief Secretary,
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The Revenue Divisional Officer,
O/o. The Revenue Division,
Kallakuruchi, Kallakurichi District.

Copy to:
The Section Officer,
VR Section,
High Court, Madras

+1 cc to Mr.D.Veerasekharan., Advocate Sr.NO. 63570
+1 cc to Government Pleader Sr.NO. 63525

W.A.No.2543 of 2021

ksm(CO)
A.SK(13.12.2021)