

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CIVIL REVISION PETITION No.2314 of 2020

V. Ramachandran

.. Petitioner

Vs.

1. The Commissioner,
H.R. & C.E. Department,
Nungambakkam High Road, Chennai - 34.

2. The Joint Commissioner, H.R. & C.E. Salem,
having office at,
Kottai Mariamman Temple Compound,

3. V. Ramachandran,

4. The Executive Officer,
Sri Orukkamalai Varadharaja Perumal Temple,
Orukkamalai, Sankari TK. Salem Dist.

5. P. Palani Rathinam

6. N. Subramanian,

7. V. Thirumalai

.. Respondents

This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Additional District Judge-III, Salem to dispose of the First Appeal in A.S. No.76 of 2020 within a time frame.

For Petitioners ... Mr.K. Selvaraj
For Respondents ... No appearance

O R D E R

The Civil Revision Petition has been filed praying to direct the Court below for speedy disposal of the First Appeal No.76 of 2020 on the file of the Additional District Judge-III, Salem.

2. The petitioner herein who is the one of the petitioner in O.A. No. 16 of 1988 and O.A. No.22 of 1990 before the Joint Commissioner, H.R. & C.E. Salem and the same was disposed of after 18 years by order dated 11.05.2005. Against which a revision in S.M.R. No.5 of 2005 was filed in which the aforesaid order was set aside after 8 years by order dated 09.04.2013. Aggrieved by the order of setting aside, the petitioner and 7th respondent herein have filed O.A. No.163 of 2013 before the Sub-Court, Sankari. The same was disposed of after 6 years by Judgment dated 09.08.2019.

3. Being dissatisfied with the aforesaid Judgment dated 09.08.2019, the petitioner and the 7th respondent herein have filed First Appeal in A.S. No.76 of 2020 before the Additional District Judge-III, Salem on 23.03.2020. Even after passing 33 years, no finality has been attained in this case due to the pendency of the First Appeal in A.S. No.76 of 2020. Hence, this Civil Revision Petition is filed.

4. On a perusal of the record, the petitioner is waiting for 33 years for solving the dispute and settlement of this Case. However, the petitioner has filed the First Appeal in A.S. No.76 of 2020 on 23.03.2020. In view of the pandemic of Covid 19, the State Government imposed lock down to contain the Corona virus pandemic. At that time, the Lower Courts were facing many hurdles in the speedy disposal of the cases and still protocol of Covid19 is following throughout the State. While the First appeal has been listed only on 09.12.2020 before the Lower Court, the petitioner preferring this Civil Revision Petition for direction to dispose of the First Appeal in A.S.No.76 of 2020 within time frame cannot be accepted as there are old cases pending which shall be given priority. In such circumstances, this Court do not think it proper to fix a time frame for disposal of the case which is only of the year 2020.

5. In the result, the Revision petition stands dismissed. Consequently connected miscellaneous petition is closed if any.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lbm

To:

The Additional District Judge-III,
Salem.

Copy To:

The Section Officer,
V.R Section, High Court, Madras.

C.R.P. No.2314 of 2020

LN (CO)
RMP (04/02/2021)



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