



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.A. (MD) No. 572 of 2021

and

C.M.P. (MD) No. 2617 of 2021

WEB COPY

1. Shaik Abdullah

2. S. Suresh

3. B. Varadarajan

4. C. Murugappan

5. Sivakumar

6. Jayabarathi : Appellants/Petitioners

Vs.

1. The State rep. by
The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.

2. The Principal Secretary /
The Commissioner of Revenue Administration,
Revenue Administration, Disaster Management and Mitigation
Department,
Chepauk, Chennai.

3. The District Collector,
Pudukkottai.

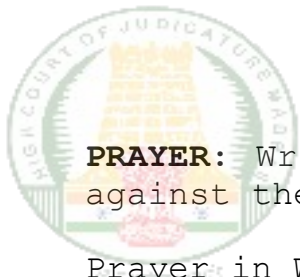
4. M. Senthilnayagi

5. M. Martin Luther King

6. R. Karuppiah

7. S. Raja

8. R. Muthusamy : Respondents/Respondents



PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 10.02.2021 made in W.P.(MD)No.23153 of 2018.

Prayer in WP(MD). 23153 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records to the proceedings dated 24.10.2018 of the 3rd Respondent herein in Rc.A2/94378/2018 and circular dated 16.10.2017 in circular No.13 of 2017 in Roc.No.SER 3(2)/12304/2017 of the 2nd Respondent herein and quash the same.

For Appellants : Ms.AL.Gandhimathi

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader
for R.1 to R.3

Mr.G.Thalaimutharasu
for R.4 to R.8

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been filed by the appellants against the order of the learned Single Judge, who vacated the interim order on the premise that the learned Counsel for the appellants was not inclined to argue the matter.

2. The learned Counsel appearing for the appellants submitted that there was some inconvenience on that date and that is the reason why the instructing Counsel made a request for adjournment.

3. The learned Counsel appearing for the contesting respondents submitted that the matter has been stalled by way of the interim order, as there is nothing on merits.

4. We are not inclined to go into the merits of the case. However, we find that the learned Single Judge could have considered the request made by the appellants' Counsel by granting a short accommodation. Since specific instruction has been given by the Counsel on record to the Junior Counsel, who represented, not to argue the matter, one could understand the predicament involved. This is a hotly contested case.

5. In such view of the matter, we are inclined to set aside the order passed by the learned Single Judge, making it clear that there is no interim order as of today and therefore, the matter has to be argued at length before the learned Single Judge with respect to the



interim application, as we are restoring the interim application and the vacate stay application. Accordingly, the order passed by the learned Single Judge dated 10.02.2021 is set aside and the matter is remanded back to the learned Single Judge.

6. Registry is directed to list the interim application as well as the vacate stay application along with the main petition before the learned Single Judge, having roster, on **22.03.2021**. The submission made by the learned Counsel appearing for the appellants that they would advance their arguments on 22.03.2021, without fail, stands recorded.

7. In fine, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CRL. SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk
To

1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The Principal Secretary /
The Commissioner of Revenue Administration,
Revenue Administration, Disaster Management and Mitigation
Department,
Chepauk, Chennai.

3.The District Collector,
Pudukkottai.

COPY TO
The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-12089[F] dated 18/03/2021

W.A. (MD) No.572 of 2021
17.03.2021

na (CO)
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<https://hcservices.ecourts.gov.in/hcservices/>