



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12451 of 2021

WEB COPY

P.Ganesan

... Petitioner

Vs.

1. The Revenue Divisional Officer / Sub Collector,
(The Revenue Court), Madurai.

2. The Tahsildar cum Tenancy Record Officer,
Madurai North Taluk,
Madurai.

3.S.Backiyalakshmi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of MANDAMUS or any other appropriate WRIT or ORDER or DIRECTION in the nature of WRIT directing the first respondent to conclude the enquiry in the appeal in A.P. No.9 of 2017 after affording an opportunity to the third respondent and personally verifying the file in T.R. No.3 of 2016 and render specific finding as to whether there was any sitting on 31/08/2017 by the second respondent, whether the petitioner and his counsel have filed any written submission on that day, whether the parties or their counsels appeared on 21/09/2017 and also verifying all the cases listed on 31/08/2017 before the second respondent.

For Petitioner : Mr.T.R.Jeyapalam

For R1 & R2 : Mr.R.Suresh Kumar

Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to conclude enquiry in Appeal No.9 of 2017, within the timeframe fixed by this Court.

2. There has been a series of litigations between the petitioner and the third respondent. One of the issue pertains to the third respondent filing an application before the second respondent under the Tamil Nadu Agricultural Lands Records of Tenancy Rights Act, 1969 in T.R.No.3 of 2016. In this petition, an order has been passed in favour of the third respondent on 25.09.2017. Aggrieved by the same, the petitioner has filed an appeal before the first respondent and the same has been taken on file in A.P.No.9 of 2017 and it is pending.



3. During the pendency of the appeal before the first respondent, the petitioner had also filed a suit and the maintainability of the same, ultimately, ended before this Court in CRP(PD)(MD)No.467 of 2021. This Court, while disposing of CRP(PD)(MD)No.467 of 2021, by order dated 02.07.2021, held that the petitioner has to necessarily work out his remedy only in the pending appeal in A.P.No.9 of 2017 and he cannot proceed further with the suit. This Court further held that the grounds that have been raised by the petitioner can be raised in appeal that is pending before the first respondent and it was left open to the petitioner to canvass all the points before the first respondent.

4. By virtue of the above order passed by this Court, the petitioner has to necessarily work out his remedy before the first respondent in the appeal and he can raise all the issues only before the first respondent. Since the appeal has been pending from the year 2017 onwards, the petitioner has filed the present writ petition seeking for a direction to the first respondent to dispose of the appeal within the time frame fixed by this Court.

5. Heard Mr.T.R.Jeyapalam, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate for the respondents 1 and 2.

6. Taking into consideration the facts and circumstances of the case and the order passed by this Court in CRP(PD)(MD)No.467 of 2021 and also the fact that the appeal has been pending from the year 2017 onwards, there shall be a direction to the first respondent to enquire the appeal pending in A.P.No.9 of 2017, render findings on all the grounds raised by the petitioner, after affording opportunity to the petitioner and the third respondent and pass final orders, on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is left open to the parties to raise all the issues before the first respondent.

7. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

8. In the result, the Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

1. The Revenue Divisional Officer / Sub Collector,
(The Revenue Court), Madurai.

2. The Tahsildar cum Tenancy Record Officer,
Madurai North Taluk,
Madurai.

+1 CC to M/s. SPL GP (SR-23888[F] dated 26/07/2021)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-23912[F] dated 26/07/2021)

**W.P. (MD) .No.12451 of 2021
23.07.2021**

RC (03.08.2021) 3P-5C