



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.4112 of 2022

and

W.M.P (MD) No.3540 of 2022

G.Palanisamy

... Petitioner

Vs

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli - 620 001.

2.The District Revenue Officer,
Tiruchirappalli District,
Tiruchirappalli - 620 001.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramasivapuram, Lalgudi Taluk,
Tiruchirappalli District.

4.The Tahsildar,
Lalgudi Taluk Office,
Lalgudi,
Tiruchirappalli District.

5.Dravida Munnetra Kazhagam,
Pudur Uthamanur Branch,
Represented by its
Treasurer Mr.Tamilarasan
Pudur Uthamanur, Lalgudi Taluk - 621 712,
Tiruchirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned recommendation report in e.f.M2/0963/2021 ehs;; 23.11.2021 passed by the fourth respondent and quash the same as illegal and consequently, direct the respondents 1 to 3 to conduct the enquiry without prejudice to the Civil proceeding in A.S.No.112 of 2018 on the file of the Sub Court, Tiruchirappalli in respect of the petitioner property in Old Survey No.133/1A pa, New Natham Survey No.417/8 situated at, Pudur Uthamanur, Lalgudi Taluk, Tiruchirappalli District.



For Petitioner : Ms.K.Vidhya
for.Mr.C.Abdulkalam Azad

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.4

Mr.N.Ananda Kumar for R.5

WEB COPY

ORDER

Heard the learned counsel on either side.

2. The fifth respondent herein filed O.S.No.123 of 2008 on the file of the Principal District Munsif Court, Lalgudi, for recovery of possession and damages. The suit was decreed on 27.01.2015. Questioning the same, the petitioner filed A.S.No.112 of 2018 before the Sub Court, Lalgudi, Tiruchirappalli District. The said appeal has been dismissed for non-prosecution. The petitioner has filed I.A for restoration. There was delay in filing the said I.A. It is also stated that office of the presiding Judge is presently vacant. However, there must be an incharge Judge. The Judge (in-charge) of the Sub Court, Lalgudi, Tiruchirappalli District, is directed to number the petitioner's I.A and dispose of it on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

3. The communication impugned in the writ petition is only a recommendation. It is in consonance with the civil Court decree. Therefore, no exception can be taken to it. However, I make it clear that the impugned proceedings and the outcome will have to necessarily abide by the final decision of the civil Court.

4. With the aforesaid observations and direction to the Sub Court, Lalgudi, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Sub Court, Lalgudi,
Tiruchirappalli.

2. The District Collector,
Tiruchirappalli District,
Tiruchirappalli - 620 001.

3. The District Revenue Officer,
Tiruchirappalli District,
Tiruchirappalli - 620 001.

4. The Revenue Divisional Officer,
Revenue Divisional Office,
Paramasivapuram, Lalgudi Taluk,
Tiruchirappalli District.

5. The Tahsildar,
Lalgudi Taluk Office,
Lalgudi,
Tiruchirappalli District.

+1 CC to M/s.SPL.GP (SR-27425[F] dated 22/06/2022)

ORDER MADE IN
W.P. (MD) No.4112 of 2022
20.06.2022

PKP/05.07.2022/3P/7C