



W.P.(MD) No.14286 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.14286 of 2013

and

M.P.(MD) No.2 of 2013

- 1.A.Kamatchiammal (died)
- 2.V.Alamarathan @ Virumandi
- 3.A.Virumandi
(P3 has been impleaded
vide order dated 19.01.2023)

...Petitioners

/vs./

- 1.The District Revenue Officer,
Madurai District.
- 2.The Revenue Divisional Officer,
Madurai,
Madurai District.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 4.Alagammal



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5.M.Muthupandi
6.A.Mapillaisamy
7.A.Karmagam
8.Malarkodi

*(R6 to R8 have been impleaded
vide order dated 19.01.2023)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 1st respondent in Na.Ka.No.88846/2008/G2 dated 03.07.2013 and quash the same and may consequently direct the Revenue Authorities to maintain the status quo by confirming the order of the second Respondent in NI.Mu.11023/05- dated 04.02.2008.

For Petitioners	: Mr.S.Sankar
For R1 to R3	: Mr.V.OM.Prakash Government Advocate
For R4 & R5	: Mr.K.Muraleedharan
For R6	: Mr.A.Sivasubramanian
For R8	: No appearance

ORDER

The writ petition is seeking for a Certiorarified Mandamus to call for records relating to the impugned order passed by the first respondent in Na.Ka.No.88846/2008/G2 dated 03.07.2013 and to quash the same and



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consequently to direct the revenue authorities to maintain the *status quo* by confirming the order of the second Respondent in NI.Mu.11023/05- dated 04.02.2008.

2.Heard Mr.S.Sankar, learned counsel for the petitioners, Mr.V.OM.Prakash, learned Government Advocate for the respondents 1 to 3, Mr.K.Muraleedharan, learned counsel for the respondents 4 and 5, Mr.A.Sivasubramanian, learned counsel for the sixth respondent and none appears for the 8th respondent.

3.By the impugned order, the first respondent herein had set aside the *ex parte* order passed by the second respondent and had remitted back the matter to the file of the second respondent to be disposed of in accordance with law after hearing all the parties concerned. The first respondent had also set aside the order of the second respondent and directed *status quo* to be maintained, which is maintained till date. But however, while remanding the matter back, the first respondent had specifically stated 'remanded back to the second respondent for discreet enquiry'. This direction to conduct the discreet enquiry, in my view, is not



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proper. In other aspects, I do not find any error in the order passed by the first respondent.

4.In view of the same, the second respondent is directed to conduct an enquiry after hearing all the parties concerned by affording them reasonable opportunity and pass appropriate orders on merits and in accordance with law. Since the matter is pending for nearly about 10 years, I direct the second respondent to dispose of the appeal within a period of 12 weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
mm

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To

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- 3.The Tahsildar,
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K.KUMARESH BABU, J.

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