



W.P.(MD) No.7388 of 2014.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.7388 of 2014
and
M.P.(MD) No.1 of 2014**

M.Periyasamy

... Petitioner

/vs./

1.The Special Deputy Collector,
Revenue Court, Thiruchirappalli.

2.The Tahsildar,
Karur Taluk,
Karur District.

3.R.Vasanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling the records relating to the proceedings of the 1st respondent made in A.P. No.7 of 2013/I.A.No.54 of 2013 dated 29.08.2013 and quash the same and consequently forbearing the 1st Respondent to proceed further in A.P. No.7 of 2013 until the disposal of the Civil suit pending in O.S.No.106 of 2013 on the file of the Principal District Munsif Court, Karur.



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For Petitioner	: Mr.K.Govindarajan
For R1 & R2	: Mr.V.OM.Prakash Government Advocate
For R3	: Mr.E.K.Kumaresan

ORDER

The writ petition is seeking for a Certiorarified Mandamus to call for the records relating to the proceedings of the first respondent in A.P.No.7 of 2013 / I.A.No.54 of 2013 dated 29.08.2013, to quash the same and consequently to forbear the first respondent to proceed further in A.P. No.7 of 2013 until the disposal of the suit in O.S.No.106 of 2013 on the file of the Principal District Munsif Court, Karur.

2.Now it is brought to the notice of this Court that the suit in O.S.No.106 of 2013 has been disposed of by judgment and decree dated 10.10.2015 decreeing the suit as prayed for in its entirety. Against the said judgment and decree, the petitioner had preferred an appeal suit in A.S.No.33 of 2015 and the same has been dismissed for default by a judgment and decree of the learned Principal Subordinate Judge, Karur, on 23.09.2019.



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3.The learned counsel for the petitioner would submit that he is taking steps to restore the said appeal suit.

4.Be that as it may, what has been challenged is simpliciter a notice issued by the first respondent calling upon the petitioner to submit his explanation on the appeal filed by the third respondent pending the suit filed by the third respondent seeking for various declarations. The said suit has also been disposed of. Hence, the prayer in the writ petition itself becomes infructuous.

5.However, now considering that the appeal has been filed as against the order of the second respondent recording the tenancy in the name of the petitioner based upon the lease deed, which has been declared to be null and void by an appropriate civil Court, the record of tenancy by the Tahsildar itself becomes void.

6.In view of the subsequent developments, I find no reason to entertain this writ petition as prayed for by the petitioner. Hence, the Writ Petition is dismissed.



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The first respondent is directed to dispose of the appeal within a period of 12 weeks from the date of receipt of a copy of this order. 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
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30.01.2023

To

- 1.The Special Deputy Collector,
Revenue Court, Thiruchirappalli.
- 2.The Tahsildar,
Karur Taluk,
Karur District.



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K.KUMARESH BABU, J.

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