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C.R.P.(MD)No.2474 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.2474 of 2022
and
C.M.P.(MD)No.12134 of 2022

1.Pushpam, W/o.Late.M.P.Raja
2.Srikiruba, S/o.Late.M.P.Raja
3.Jeyasri, D/o.Late.M.P.Raja

.. Petitioners

Versus

1.M.Jeeva, D/o.Late.Madhanagurusamy
2.Kalavathi, D/o.Late.Madhanagurusamy
3.Rathi, D/o.Late.Madhanagurusamy
4.Umarani, D/o.Late.Madhanagurusamy

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, against the fair and final order, dated 31.08.2021, made in I.A.No.2 of 2021 in O.S.No.11 of 2014, on the file of the Sub-Court, Periyakulam.

For Petitioners : Mr.A.Sivaji

ORDER

The petitioners have challenged the impugned fair and decreetal order dated 31.08.2021, made in I.A.No.2 of 2021 in O.S.No.11 of 2014, on the file of the Sub-Court, Periyakulam, Theni District. By the said order, the documents filed by the petitioners herein were referred to the Revenue Divisional Officer for valuation. Pursuant to the said impugned order, an order came to be passed by the Sub-



Collector, Periyakulam, Theni District, vide his proceedings in Na.Ka.No. 6901/2021/A2, dated 16.03.2022. Thus, the challenge to the impugned order had become infructuous in view of the subsequent order passed by the Sub-Collector on 16.03.2022 as mentioned above.

2. The petitioners had challenged the aforesaid order of the Sub-Collector before this Court in W.P.(MD)No.7537 of 2022. The said Writ Petition was disposed of by this Court, vide its order dated 21.04.2022, by holding that the order passed by the Sub-Collector, Periyakulam, Theni District, was in gross violation of principles of natural justice. The relevant portion of the said order reads as under:-

"6.In the result, the impugned order dated 16.03.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners and the respondents 5 to 8 who are the other parties to the suit in O.S.No.11 of 2014 on the file of the Sub Court, Periyakulam, including granting them the right of personal hearing. The first respondent is directed to pass final orders within a period of six [6] weeks from the date of receipt of a copy of this order."

3. Pursuant to the aforesaid order of this Court in the above Writ Petition, a fresh order has been passed by the Revenue Divisional Officer, Periyakulam, Theni District, on 27.10.2022, vide her proceedings in Na.Ka.No.6901/2021/A2. The said order has also been challenged by the petitioners in W.P.(MD)No.27194 of 2022 and the said Writ Petition is pending.



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4. As the order dated 31.08.2021, passed by the Court below in I.A.No.2 of 2021 in O.S.No.11 of 2014, which is impugned in the present Civil Revision Petition, has already been acted upon and that further steps have been taken by the petitioners to challenge the valuation earlier arrived by the Sub-Collector, Theni and later by the Revenue Divisional Officer, in his proceedings, dated 27.10.2022, nothing survives for further adjudication in this Civil Revision Petition. Therefore, the Civil Revision Petition is dismissed, leaving all the issues left open to be canvassed by the petitioners before the trial Court. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

10.03.2023

To

The Sub-Judge,
Periyakulam,
Theni District.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.2474 of 2022

10.03.2023