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W.P.No.19586/2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19586 of 2018

Ravi

...

Petitioner

-VS-

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

2.The Tahsildar cum Record Officer,
Records of Tenancy Records,
Thiruvarur.

3.Govindarajalu
Sowrirajalu

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus forbearing the first respondent from proceeding with hearing of Appeal in his proceedings Me.Mu.No.2/2018, without considering the application of the petitioner, dated 21.06.2018, praying for rejection of appeal on the ground of maintainability.

For Petitioner : Mr.A.Arunbabu

For Respondents 1 & 2 : Mr.P.Sathish,
Addl.Govt.Pleader.

For Respondent 3 : Mr.M.Mohammed Hasan



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ORDER

This Writ Petition has been filed to forbear the first respondent from proceeding with hearing of Appeal in his proceedings Me.Mu.No.2/2018, without considering the application of the petitioner, dated 21.06.2018, praying for rejection of appeal on the ground of maintainability.

2. The case of the petitioner is that he has already filed an application before the first respondent as to the maintainability of the appeal filed by the third respondent. According to him, the appeal has been filed beyond the period of limitation and, therefore, before deciding the maintainability of the appeal, the appeal cannot be heard.

3. This Court is of the view that when the appeal is already entertained, the plea of limitation can very well be raised in the appeal itself. Therefore, there cannot be any injunction or order restraining the statutory authority from performing his duty.

4. Writ Petition is dismissed accordingly. No costs. Consequently, the connected W.M.P.No.23017 of 2018 is closed.

04-04-2024

Index : Yes/No
Internet : Yes/No
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To

- 1.The Special Deputy Collector,
Revenue Court,
Thiruvarur.
- 2.The Tahsildar cum Record Officer,
Records of Tenancy Records,
Thiruvarur.





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W.P.No.19586/2018

N.SATHISH KUMAR, J.

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W.P.No.19586 of 2018

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