



CMP No. 6951 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CMP No. 6951 of 2022 in WA.No.711 of 2015

The Secretary to Government
Rural Development, Chief Secretariat,
Pondicherry. and another

Appellant(s)

Vs

G.Ganessan @ Manogaran
S/o.Govindasamy, working as Technical
Assistant (Daily Rated) District Rural
Development Agency, Puducherry. and
another

Respondent(s)

For Appellant(s): Mr. T.M.Naveen

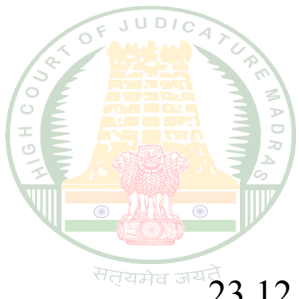
For Respondent(s): Mr.Prakash Adiapadam for R1

ORDER

J.NISHA BANU,J.
and
M.JOTHIRAMAN,J.

This petition has been filed to clarify the order dated 01.12.2016
made in W.A.No.711 of 2015.

2. On 01.12.2016, the Division Bench of this Court has directed
the appellants to pay batta to the concerned respondents on or before



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23.12.2016, failing compliance, the Appeal is deemed to have been dismissed. Since the appellant had not paid batta in respect of the 2nd respondent, the appeal was deemed to have been dismissed. Now, the appellant has filed this petition to clarify the aforesaid order.

3. Learned counsel for the appellant would state that the 1st respondent is the contesting respondent and the 2nd respondent is only a formal party and they have paid batta for the 1st respondent and therefore, the Writ Appeal can be dismissed as against the 2nd respondent alone.

4. However, the learned counsel for the 1st respondent would state that only when the contempt notice was issued for disobedience of the order passed by this Court, the petitioners/appellants have come before this Court by filing this petition to clarify. Therefore, he would pray to confirm the order dated 01.12.2016.

5. Heard the learned counsel for the petitioners/appellants, the learned counsel for the 1st respondent and perused the materials available on record.

6. On perusal of the records it is seen that at the time of admission of the appeal, stay was granted in favour of the appellants on 30.04.2015



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and notice was also ordered. Instead of paying batta for both the respondents, the appellants had paid batta only for the 1st respondent. The Division Bench of this Court has directed the petitioners/appellants to pay batta to the concerned respondents on or before 23.12.2016 with a default clause that 'failing compliance, the Appeal is deemed to have been dismissed'. Since the appellant did not pay batta in respect of the 2nd respondent, the appeal was deemed to have been dismissed.

7. Even though this appeal is deemed to have been dismissed in respect of the 2nd respondent alone, taking into account the fact that the appeal is of the year 2015 and the appellants, having slept over the matter for more than six years and have filed this petition in the year 2022, that too, when the respondent has sent contempt notice for disobedience of the order, the appeal cannot be revived to decide the same on merits as against the 1st respondent. Therefore, this clarification petition stands dismissed. Accordingly, the order dated 01.12.2016 passed in W.A.No.711 of 2017, dismissing the Appeal for default, stands.

vsi

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
19-08-2025



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**J.NISHA BANU,J.
and
M.JOTHIRAMAN,J.**

vsi

To
1.G.Ganessan @ Manogaran
S/o.Govindasamy, Working as Technical Assistant
(Daily Rated) District Rural Development Agency,
Puducherry.
2.V.P.Dhanesh
Technical Assistant,
District Rural Development Agency,
Puducherry.

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in
WA.No.711 of 2015**

19.08.2025