



W.P.(MD)No.4245 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4245 of 2025

and

W.M.P(MD)No.3047 of 2025

Karupasamy

.... Petitioner

/Vs./

1.The District Revenue Officer,
District Revenue Office,
Collectorate Building,
Pudukkottai District.

2.The Revenue Divisional Officer,
Collectorate Building,
Pudukkottai District.

3.The Tahsildar,
Taluk Office,
Alankudi Taluk,
Pudukkottai District.

4.Panneer Selvam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take up the unnumbered stay application in Review Petition No.2777882 of 2024



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filed by the petitioner against the order passed by the second respondent in Ni.Mu.No.4178/2024/A4 dated 15.11.2024 and to dispose of the same within a stipulated period of time as fixed by this Court and further forbearing the respondents 2 & 3 from conducting survey and demarcation in respect of the land bearing S.No.151/2A1B situated at Alankudi Taluk, Pudhukottai District.

For Petitioner : Mr.R.Maheswaran

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petition has been filed seeking issuance of a Writ of Mandamus to direct the first respondent to take up the unnumbered stay application in Review Petition No.2777882 of 2024 filed by the writ petitioner challenging the order passed by the second respondent in Ni.Mu.No.4178/2024/A4, dated 15.11.2024.

2. The petitioner's appeal has been filed on 13.12.2024 challenging the order of the second respondent. Pending the said appeal, the petitioner has sought for interim stay of the impugned order to avoid further complication and multiplicity of the proceedings.



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3. The grievance of the petitioner is that the first respondent has not numbered and taken up the said Stay Petition and in the meantime, the impugned order is pending implemented which would cause prejudice and hardship to the writ petitioner. In the above background, the petitioner has filed the instant writ petition seeking expeditious disposal of the stay petition filed by the petitioner before the first respondent.

4. Considering the fact that the appeal preferred by the petitioner is at large before the first respondent and the petitioner as appellant therein has sought for an interim stay of the impugned order passed by the second respondent, the first respondent, as the appellate authority under the statute, ought to have consider the stay petition and pass orders on merits. It appears that the first respondent has not even taken up the stay petition and hence, the writ petitioner constrained to file the present writ petition.



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5. Considering the very narrow scope of the relief sought for in the writ petition, it would suffice to issue a direction to entertain the stay application filed by the petitioner pending Review Petition No. 2777882 of 2024, challenging the order passed by the second respondent dated 15.11.2024 and seeking an interim stay of the impugned order of the second respondent, the first respondent shall number the stay application and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. It is made clear that in the meantime, i.e., till the disposal of the stay application by the first respondent, the impugned order of the second respondent shall not be given effect too.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

14.02.2025



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.4245 of 2025

Dated:
14.02.2025