



W.P.(MD) No.22309 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.22309 of 2023

D.Duraisingam ... Petitioner

Vs

- 1 The District Revenue Officer,
Office of the District Collector,
Madurai District.
- 2 The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the proceedings in Ni.Mu.En.30766/2022/G5, dated 09.08.2023, on the file of the 1st respondent herein and to quash the same and consequentially direct the 2nd respondent to dispose the appeal petition, dated 02.06.2022.



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For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.C.Satheesh,
Govt. Advocate.

ORDER

Considering the limited scope of the prayer and the facts involved, with the consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The only grievance of the petitioner is that when the petitioner wanted to withdraw the proceedings before the first respondent, the first respondent had gone into the merits of the claim and dislodged the claim of the petitioner. It is the further case of the petitioner that subsequent proceedings have already been initiated and pending with the second respondent and the proceedings go on.

3. Mr.C.Satheesh, learned Government Advocate, appearing for the respondents, would fairly submit that when the petitioner requested for withdrawal of his appeal petition, the first respondent ought to have merely accepted the plea for withdrawal and closed the proceedings.



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4. Considering that the first respondent has addressed the issue on merits when the petitioner requested for withdrawal of his appeal petition, the impugned order passed by the first respondent is clearly vitiated and liable to be set aside.

5. With the above consensus, the Writ Petition is allowed, setting aside the order passed by the first respondent, dated 09.08.2023. The petitioner is granted liberty to pursue the proceedings, pending with the second respondent – Revenue Divisional Officer. Considering that the proceedings are pending with the second respondent from the year 2023, the second respondent - Revenue Divisional Officer shall expedite and conclude the same within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, the connected W.M.P.(MD) No.18593 of 2023 is closed.

04.02.2025

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

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P.B.BALAJI, J.

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