



W.P.(MD)No.27906 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.27906 of 2024

S.Ashok

: Petitioner

Vs.

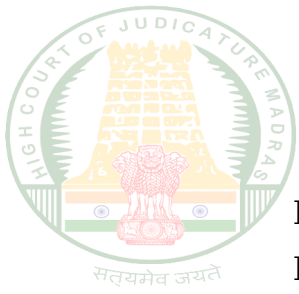
1.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.Alagu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to dispose of the appeal corresponding to Na.Ka.No. 1988/A4/2022 on the file of the first respondent in the light of the judgment and decree made in A.S.No.06 of 2021 dated 01.12.2021 made by the Additional Subordinate Court, Pudukkottai, within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff

For Respondents 1 & 2 : Mr.S.Kameswaran

Government Advocate

For Respondent No.3 : Mr.J.Vishnu

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ORDER

The petitioner seeks issuance of Writ of Mandamus, to direct the respondents to dispose of the appeal pending on the file of the first respondent in Na.Ka.No.1988/A4/2022.

2.I have heard Mr.M.Mahaboob Athiff, learned Counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate appearing for the respondents 1 & 2 and Mr.J.Vishnu, learned Counsel appearing for the third respondent.

3.The grievance of the petitioner is that aggrieved by the order of the second respondent, the third respondent has preferred an appeal, which is pending with the first respondent.

4.Learned Counsel for the petitioner would submit that notice was issued by the first respondent in the name of his deceased father and though representation was made before the first respondent to permit the petitioner to appear in the matter, such permission was not granted. Further, it is the specific case of the petitioner that between the petitioner and third respondent, there is already a civil



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suit which culminated in a decree in A.S.No.06 of 2021, dated 01.12.2021 and the first respondent is bound to take cognizance of the said decree.

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5.Considering the above, the Writ Petition is disposed of, with the following directions to the first respondent:

(i) the first respondent shall permit the petitioner to represent the estate of his deceased father and defend the order of the second respondent in the appeal before the first respondent;

(ii) the first respondent shall afford fair opportunity to the third respondent as well as the petitioner and after hearing the contentions / claims of the petitioner and the third respondent, the first respondent keeping in mind the decision of the competent Civil Court shall pass final orders on the third respondent's appeal, in accordance with law and on its own merits. The said exercise shall be carried out within a period of eight [8] weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

25.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The Revenue Divisional Officer,
Pudukkottai,
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2.The Tahsildar,
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P.B.BALAJI., J.

MR

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