

In the High Court of Judicature at Madras

Dated: 11.12.2015

Coram

The Honourable **Mr. JUSTICE M.M. SUNDRESH**

Writ Petition No.16826 of 2015

& M.P.Nos.1 & 2 of 2015

Chinnapappa

.. Petitioner

Vs.

1.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

4.Uthiramurthy

5.Ramakrishnan

6.Raja

7.Periasamy

8.Thavamani

(Respondents 4 to 8 are impleaded as
per order dated 11.12.2015 made in
M.P.No.3/2015 in W.P.No.16826/2015)

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 28.03.2015 vide Na.Ka.No.2999/2014/A3 passed by the 2nd respondent cancelling the allotment made in respect of the land comprised in 428/3 measuring to an extent of 0.64.0 hectares situated at Naickanahalli Village, Dharmapuri Taluk and District, quash the same and consequently, forbear the respondents from in any way interfering with the petitioner's peaceful possession and enjoyment over the land comprised in 428/3 measuring to an extent of 0.64.0 hectares situated at Naikanahalli Village Dharmauri Taluk and District.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Government Pleader for R1 to R3

Mr.V.R.Annagandhi for R4 to R8

ORDER

By the impugned order dated 28.03.2015, assignment of the land comprised in 428/3 measuring to an extent of 0.64.0 hectares situated at Naickanahalli Village, Dharmapuri Taluk and District, in favour of the petitioner was cancelled after conducting enquiry.

2. As against the impugned order, the petitioner has filed an appeal in Appeal Na.Ka.No.2236/2015 dated 10.04.2015 before the first respondent. Simultaneously, the petitioner has come forward to file this writ petition. Incidentally, even before passing the impugned order, the petitioner has filed a suit in O.S.No.132 of 2014, which is pending on the file of District Munsif Court, Dharmapuri. A perusal of the order impugned would show that it provides for appeal remedy. The petitioner has filed an appeal on 10.04.2015. In such view of the matter, the prayer sought for by the petitioner cannot be granted by this Court.

3. Accordingly, the writ petition stands disposed of by directing the first respondent to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Before disposing of the appeal, the first respondent shall also issue notice to the respondents 4 to 8, who are impleaded herein apart from hearing the petitioner. Till then, status quo as on today shall be maintained. No costs. Consequently, connected miscellaneous petitions are closed.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

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To

1.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

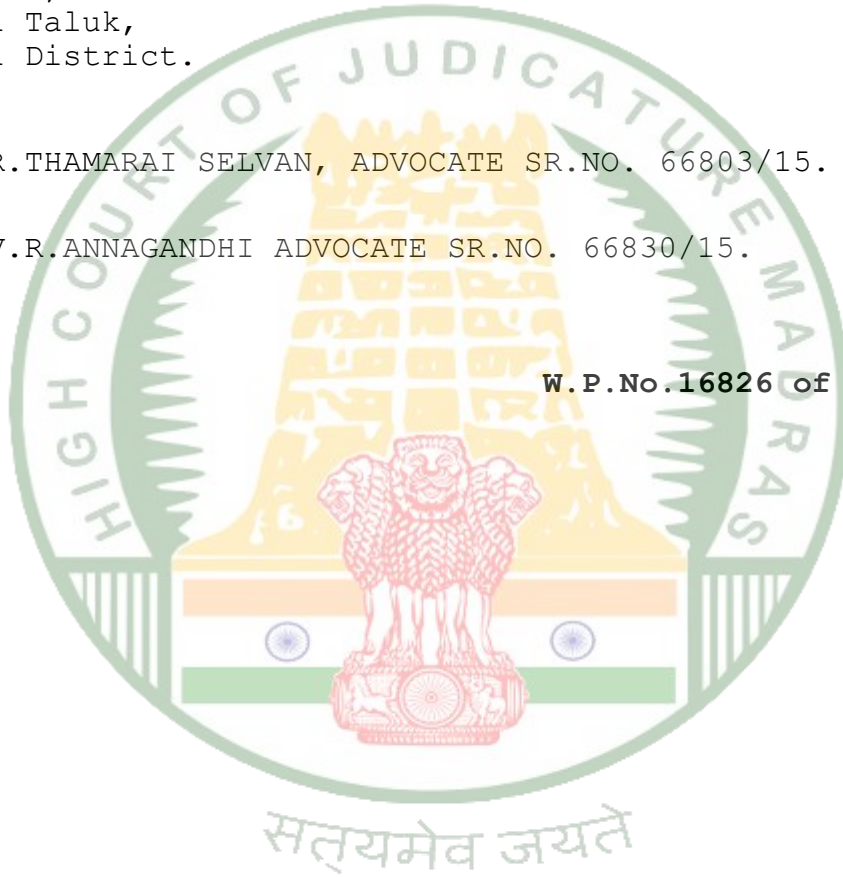
+1 cc to MR.R.THAMARAI SELVAN, ADVOCATE SR.NO. 66803/15.

+1 CC TO MR.V.R.ANNAGANDHI ADVOCATE SR.NO. 66830/15.

SV[CO]

RD 27/1/2015

W.P.No.16826 of 2015



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