

WP No.7059 of 2013

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice T. S. SIVAGNANAM

K.KARUPPANAN, M/71
S/O.KALIAPPAN, VEDAL THOTTAM, SAALAYUR,
PAPPINAIKKANPATTI, NAMAKKAL DISTRICT
Vs
THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, FORT ST. GEORGE,
CHENNAI-9 and 3 others.

A compliance report dated 09.04.2015 has been filed stating that the District Collector, Namakkal was directed to implement the order of the Assistant Settlement Officer, dated 08.01.1960 by properly sub dividing the land with reference to the extent of the land granted patta by the Assistant Settlement Officer in the village accounts. It is further stated that after having heard all the parties concerned, an order in Proceedings in Rc.No.7624/2015/L1, dated 08.4.2015 was passed and the extent of land classified as ``tank poramboke`` has been increased to 21.65 acres from 16.01 acres as per the order dated 08.01.1960.

2. Mr.V.Raghavachari, the learned counsel appearing for Chandrasekaran, son of Karuppan points out that he moved an application to implead Chandrasekaran as party in the present proceedings in M.P.No.SR42770 of 2015, but the Registry raised an objection, as the writ petition stood disposed of and the writ petition was listed only for compliance. It is his plea that the petitioner in M.P.No.SR42770 of 2015 is deprived of nearly 5 acres of land, for which pattas were issued in his favour in 1964 and that no proper opportunity was granted to him for appropriate representation nor was he made as party. The State Government did not file the counter-affidavit and thus, never brought to the notice of this Court that pattas stood issued to him.

3. We put to the learned counsel for the petitioner in M.P.No.SR42770 of 2015 that the only direction passed by this Court was to respondent No.2 to proceed in accordance with law and we have not issued any direction one way or other. The authority has now proceeded and passed an order, with which the petitioner is aggrieved and thus, if the petitioner Chandrasekaran, son of Karuppan now seeks to assail that order on account of any legal infirmity, it is the option for him to exercise that option.

4. The learned counsel expressed an apprehension that in view of the order passed by this Court on 02.02.2015, such a petition may not be entertained. We see no reason for such an apprehension as the order gives fresh cause of action and if Chandrasekaran, son of Karuppan is aggrieved by the said order, it is always open to him to assail the same in accordance with law. The same would be the position qua any other aggrieved person.

5. No further directions are required in this matter.

[CJ] [T S S J]

20/04/2015

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