

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15714 of 2014

R.Surendar

... Petitioner

Vs.

1.The Sub-Collector
Pollachi,
Coimbatore District.

2.Arulmiyu Ammaneeswaraswamy Thirukovil
Rep. by its Executive Officer, Karapadi
Moolanur, Pollachi Taluk,
Coimbatore District.

3.Arulmiyu Varadaraja Perumal Thirukovil
Rep. by its Executive Officer, Moolanur
Pollachi Taluk, Coimbatore District.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the pending case in Na.Ka.No.12930/04/A1 as per the earlier order of this Hon'ble Court in WP No.11512 of 2008 dated 21.08.2008 within time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.S.Gunasekaran for R1

Government Advocate

Mr.M.L.Mahendran for R2 and R3

Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocates appearing for the respondents.

2.The petitioner has filed this writ petition seeking for issuance of Writ of Mandamus directing the first respondent to dispose the pending case in Na.Ka.No.12930/04/A1 as per the earlier order of this Hon'ble Court in W.P.No.11512 of 2008 dated 21.08.2008.

3.It is seen that earlier the petitioner approached this Court by filing writ petition in W.P.No.11512 of 2008 and the said writ petition was allowed by the order dated 21.08.2008 and the matter was remanded for fresh consideration before the first respondent. The operative portion of the order reads as follows:

"8.In the result, the writ petition is allowed; the impugned order is quashed and the matter is remitted back to the first respondent for fresh disposal in accordance with law. The first respondent is directed to issue notice to the petitioners herein and all the other interest parties, afford them opportunity and hold appropriate enquiry and then pass necessary orders strictly in accordance with law. It is made clear that no opinion has been expressed in respect of other grounds raised in the writ petition. The petitioners are given liberty to raise all such grounds before the first respondent. No costs. Consequently, connected miscellaneous petitions are closed."

4.Thereafter, the first respondent has been issuing repeated by notices dated 03.10.2008, 25.11.2008, 01.12.2008, 11.01.2009, 28.01.2009, 10.05.2012 and 20.06.2012 respectively. According to the petitioner, he has been appearing before the first respondent for all the hearings, but, since there is change of the Sub-Collector frequently, the matter is being adjourned.

5.In the light of the above, the first respondent is directed to fix a date for hearing, on which date the petitioner shall appear in person and make submissions. Simultaneously, notices shall be sent to the second and third respondents and they shall also be heard in person and after conducting enquiry, the first respondent shall pass orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6.This petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

Dated:3.3.15

True Copy

Sub Assistant Registrar

To

1.The Sub-Collector
Pollachi,
Coimbatore District.

2. The Executive Officer, Karapadi
Arulmihu Ammaneeswaraswamy Thirukovil
Moolanur, Pollachi Taluk,
Coimbatore District.

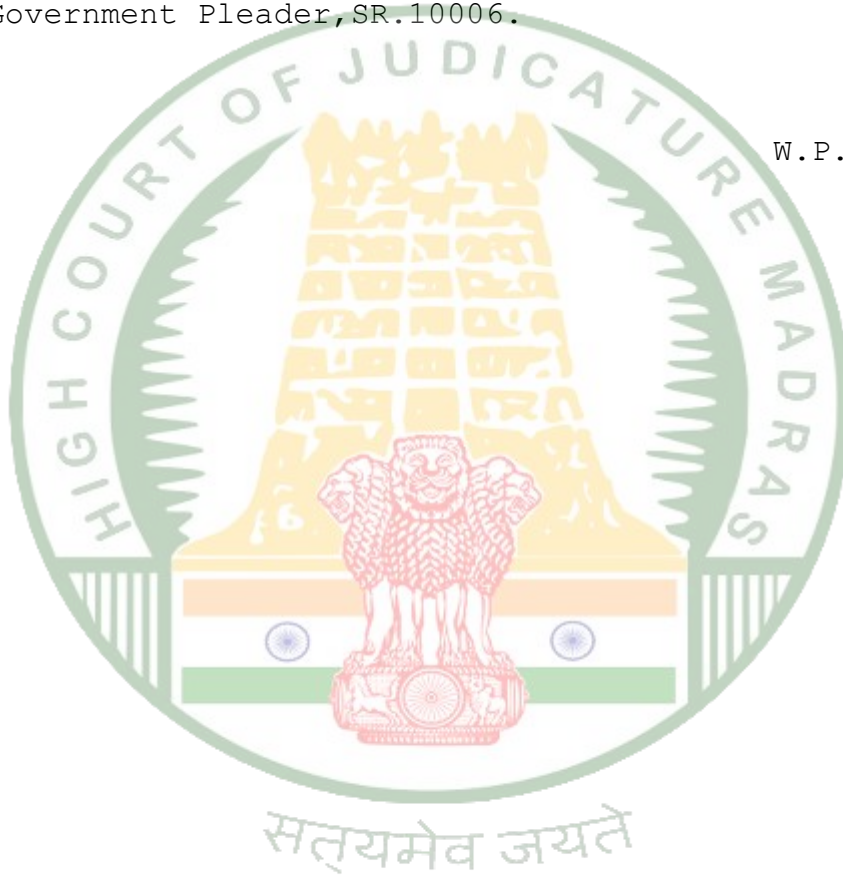
3. The Executive Officer, Moolanur
Arulmihu Varadaraja Perumal Thirukovil
Pollachi Taluk, Coimbatore District.

+1 cc to Mr.S.Thirumavalavan, Advocate,sR.9803

+1 cc to Government Pleader,SR.10006.

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krd 9/3

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