

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition Nos.17608 of 2009 and 6913 of 2011
& M.P.No.2 of 2009, 2 of 2011 and WMP No.5395 of 2016

- 1.Vijaya
- 2.Mallika
- 3.Rathinal
- 4.Chandra
- 5.Devi
- 6.Lakshmi
- 7.Vellaiammal
- 8.Lakshmi
- 9.Lakshmi
- 10.Palaniammal
- 11.Pappathi
- 12.Shanthi
- 13.Vellaiammal
- 14.Govindammal
- 15.Ruckmani
- 16.Ramayi
- 17.Geetha
- 18.Nagarathinam
- 1.Nachammal
- 2.Madina Begum

... Petitioners in W.P.17608/2009

... Petitioners in W.P.6913/2011

Vs.

1. The Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Dharapuram.
3. The Commissioner,
Kundadam Panchayat Union,
Kundadam, Tiruppur District.

... Respondents in both W.Ps.

PRAYER: Writ petitions are filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent relating to its order in Na.Ka.No.48762/2006 (THA-2) dated 23.07.2008 published in the Erode District Gazette dated 28.08.2008 in No.8 in S.No.68, Nezhali Village, Kangayam Taluk and quash the notification in so far as the petitioners are concerned and direct the respondents to provide basic amenities like water, electricity, drainage, road and other amenities to the petitioners.

For Petitioners : Mr.Kalyanasundaram, S.C., for
in both W.Ps. Mr.G.Sethuraman

For Respondents : Mr.S.Gunasekaran,
in both W.Ps. Additional Government Pleader

COMMON ORDER

The issue raised in both the writ petitions is covered by the order passed by this Court in W.P.Nos.8933 of 2009 etc., dated 03.11.2011, in which, it has been held as follows:

"8. In view of the above, the writ petitions are allowed and the impugned orders are set aside and it is left open to the respondents to initiate fresh action if they deem fit to do so and prior to taking any such action, the first respondent shall nominate an officer to conduct a spot inspection, after due notice to the allottees, by way of local publication by tom-tom and on receipt of such inspection report the first respondent shall issue individual show cause notice to such of those assignees as regards the violation of the terms and conditions of assignment and after affording an opportunity to such assignees, the first respondent shall pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed."

2. As the said order covers all the similarly placed persons including the petitioners, a subsequent order was passed by the first respondent in Na.Ka.No.4230/2009/ka.1 dated 02.08.2014. The said order includes the petitioners in both these writ petitions.

3. In view of the same, nothing survives for adjudication in these writ petitions and the same are dismissed as infructuous. However, liberty is given to the petitioners in both the writ petitions to challenge the order passed by the first respondent dated 02.08.2014.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

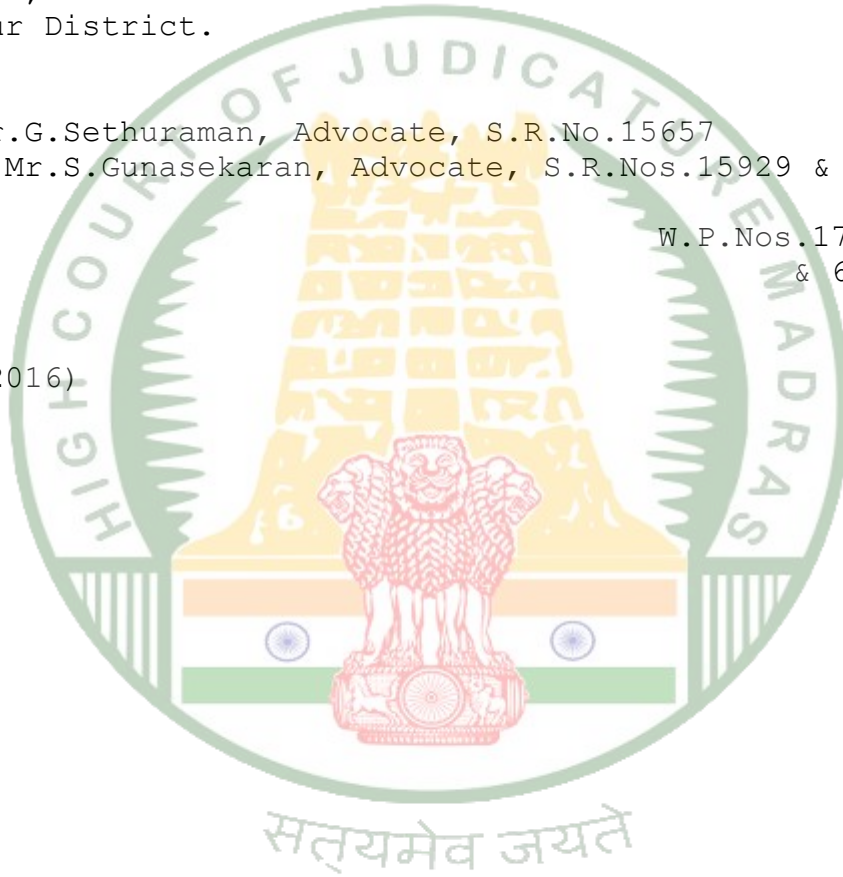
1. The Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Dharapuram.
3. The Commissioner,
Kundadam Panchayat Union,
Kundadam,
Tiruppur District.

+1cc to Mr.G.Sethuraman, Advocate, S.R.No.15657

+2cc's to Mr.S.Gunasekaran, Advocate, S.R.Nos.15929 & 15930

W.P.Nos.17608 of 2009
& 6913 of 2011

KSJ(CO)
CA(23/03/2016)



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