

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**AND****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P(MD)No.11638 of 2016****and****W.M.P(MD)Nos.9342 and 9924 of 2016**

S.Subbaraman

... Petitioner

Vs.

1.The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Thoothukudi District,
Thoothukudi - 628 101.

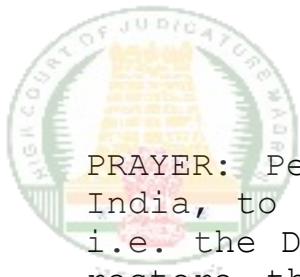
3.The Proprietor,
K.K.S.K.Chemicals,
Door No.31A, Emperor Street,
Thoothukudi - 628 002.

4.The Proprietor,
Deva Irudhaya Aqua Farms,
Diamond Sea Food,
Door No.3/52, Krishnarajapuram,
Thoothukudi - 628 002.

5.The Proprietor,
Sri Prema Salt Trading Co.,
Balamurugan Salt,
Door No.31A, Emperor Street,
Thoothukudi - 628 002.

6.The Proprietor,
V.V.Minerals,
Keeraikaran Thattu,
Tisaiyanvilai - 627 657.
Tirunelveli District.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent i.e. the District Collector, Thoothukudi, to take speedy action to restore the lands assigned as per Letter No.A2/5232/2013, dated 28.06.2013 of the Revenue Divisional Officer, Kovilpatti, in the name of the Government as promised by the District Collector, Thoothukudi, in the counter affidavit filed by him on 06.02.2014 in W.P(MD)No.19574 of 2013, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.B.Pugalendhi,
Additional Advocate General
assisted by Mr.A.K.Baskarapandian,
Special Government Pleader for R.1&R.2

Mr.S.Meenakshi Sundaram for R.6

ORDER

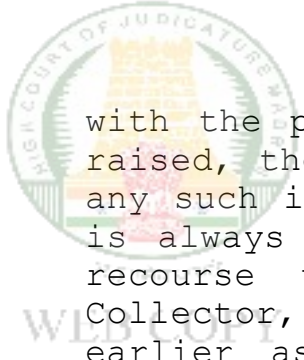
(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

This writ petition is instituted seeking a writ of Mandamus, for directing the second respondent - District Collector, Thoothukudi District, to take speedy action to restore the lands assigned as per the communication dated 28.06.2013 of the Revenue Divisional Officer, Kovilpatti.

2. In our opinion, the cause in this writ petition does not survive for further adjudication, in view of the fact that the District Collector, Thoothukudi District, appears to have passed orders on 04.08.2016, cancelling the assignment of land granted earlier in favour of several beneficiaries. Consequently, the action which the writ petitioner has sought for, has already been accomplished. Hence, the writ petition has become infructuous.

3. However, the learned Counsel for the sixth respondent would urge before us that the orders passed by the District Collector, Thoothukudi District, are plainly unsustainable as the principles of natural justice have been thrown to wind by the District Collector in the process. The learned Counsel for the sixth respondent would therefore urge us to keep the operation of the orders passed by the District Collector on 04.08.2016 at least to the extent of the land with which the sixth respondent in this writ petition is concerned, in abeyance.

<https://hcservices.courts.gov.in/hcservices> proper for us to speculate in this proceedings as to whether the orders passed by the District Collector, Thoothukudi District, on 04.08.2016 are strictly in accordance



with the principles of law or not. As and when such question is raised, then alone, it will be possible for this Court to examine any such issue. Therefore, all we need to observe is that liberty is always preserved to the individual aggrieved parties to take recourse to law against the orders passed by the District Collector, Thoothukudi District, on 04.08.2016, cancelling the earlier assignments. It goes without saying that neither this Court nor other authority who is required to deal with any issue, which the individual aggrieved parties would agitate, would decide the issue brought before them, without in any manner getting influenced by the disposal of the present writ petition.

5. With the above observations, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Thoothukudi District,
Thoothukudi - 628 101.

+1 CC to the Special Government Pleader, SR No. 43250
+1 CC to Mr.S.VISVALINGAM, Advocate, SR No.43114
+1 CC to Mr.S.MEENAKSHI SUNDARAM, Advocate, SR No.43191

W.P(MD)No.11638 of 2016
and

W.M.P(MD)Nos.9342 and 9924 of 2016
09.08.2016

rsb

SH/KP/SAR-III:10.08.2016:3P/6C