



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition(MD)No.20889 of 2016

K.Saravanan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkarai Periyakulam,
Theni District.

3.The Tahsildar,
Theni, Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 & 3 to resume the Panchami lands in Survey No.263, Oochampatti Village, Theni District by conducting the resumption proceedings pending on the file of the second respondent in Proceedings No.1160/2016, taken on file on 15.03.2016 within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.V.Muruganandham
Additional Government Pleader

ORDER

The present Writ Petition is filed for a direction to the respondents 2 & 3 to resume the Panchami lands in Survey No.263, Oochampatti Village, Theni District by conducting the resumption proceedings pending on the file of the second respondent in Proceedings No.1160/2016, taken on file on 15.03.2016.



2.The learned counsel for the petitioner contended that the petitioner is the resident of Oonchampatti Village, Theni District and certain lands had been assigned to the persons belonging to the Scheduled Caste community as a measure of rehabilitation and to empower the persons belonging to the said community. The further contention of the learned counsel for the petitioner is that earlier, the very same petitioner filed a Writ Petition in W.P(MD)No.3659 of 2014 before this Court and the Division Bench of this Court passed the final order on 14.08.2015 and the same is extracted below:-

"2.But the said original legal heirs have not been added as parties in the present writ petition. Nevertheless, in the representation, certain details are given. But, it is for the District Collector to consider the representation and the claim made by the petitioner, on its own merit and in accordance with law. However, if any third person is aggrieved, it is incumbent on the Revenue Authorities to issue notice to them so as to avoid allegation of violation of principles of natural justice."

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The present Writ Petition is filed with a complaint that pursuant to the earlier order of the Division Bench of this Court, the second respondent had not taken any steps and therefore, the petitioner filed the present writ Petition.

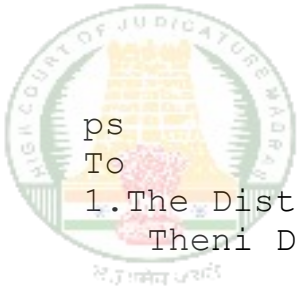
5.Such a contention of the petitioner cannot be accepted and the fact remains that on the very same cause of action with a similar prayer, the petitioner filed a Writ Petition in W.P (MD)No.3659 of 2014 and the Honourable Division Bench of this Court considered and passed final orders and therefore, this Court is not inclined to consider the present petition filed by the petitioner and accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



ps
To

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkarai Periyakulam, Theni District.

3.The Tahsildar,
Theni, Theni District.

+1CC to M/s.Ajmal Associates Sr.No.64797
+1CC to Spl.Government Pleader Sr.No.64946

GJM/CK./10.11.16-3p-6C

W.P (MD) No.20889 of 2016
01.11.2016