

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.8367 of 2017

W.M.P.Nos.9127 and 9128 of 2017

Murugammal

.. Petitioner

Vs.

1. The Assistant Director of Town
Panchayat, Collectorate Post,
Dharmapuri District 636 705.

2. The Executive Officer,
Kambainallur Town Panchayat,
Kambainallur Post,
Karimangalam Taluk,
Dharmapuri District 635 202.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of certiorarified mandamus calling for the records pertaining to Se.Mu.Na.Ka.No.301/2015/A1 dated 23.03.2017 of the 2nd respondent herein and quash the same and forbearing the respondent from leasing out the Shop No.7 in Kambainallur First Grade Town Panchayat to any other third party.

For Petitioner .. Mr.M. Muthappan

For Respondents .. Mr.S. Diwakar,
Spl. Govt. pleader for R1
Mr. V. Jayaprakash Narayanan,
Spl. Govt. Pleader for R2

ORDER

By the impugned order, the auction made, allotting the shop in favour of the petitioner, was cancelled in compliance with the order passed by this Court in W.P.No.1950 of 2017 dated 09.03.2017 on the ground of non-compliance of the procedure contemplated. Challenging the same, the petitioner has come up with the present writ petition.

2.Heard both sides.

3.As the impugned order has been passed in compliance with the order passed before, any interference by this Court now would amount to indirect review of the order passed. Therefore, this Court is of the view that the writ petition is not maintainable and the petitioner ought to have either filed a review or appeal against the earlier order, after obtaining leave.

4.In such view of the matter, the writ petition stands dismissed with liberty to the petitioner either to file review or appeal. It is made clear that this order will not stand in the way of the petitioner participating in the auction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi

To

1. The Assistant Director of Town Panchayat, Collectorate Post, Dharmapuri District 636 705.
2. The Executive Officer, Kambainallur Town Panchayat, Kambainallur Post, Karimangalam Taluk, Dharmapuri District 635 202.

+1cc to M/S. V.R. AnnaGandhi, Advocate Sr. 21378

+1cc to M/S. V. JayaPrakash Narayanan, Advocate Sr. 21180

W.P.No. 8367 of 2017

NR II (CO)
VR(278/4/2017)