

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3356 of 2016

K.A.Sampath

.. Petitioner

Versus

1. The District Collector,
Vellore District.
 2. The Block Development Officer,
Kaniyambodi Union,
Vellore District.
 3. The Village Administrative Officer,
Nanjukondapuram Village,
Vellore Taluk,
Vellore District.
 4. Kesavan
-Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 07.01.2016 for canceling the solar power house allotment in favour of the fourth respondent in Survey No.478/2, 1.59 cent 477/2.5 situated at Nanjukondapuram Panchayat, Kaniyambodi Union, Vellore District in pending civil case.

For Petitioner : Mr.E.C.Ramesh
For Respondents 1 and 3: Mr.N.Inbanathan
Additional Government Pleader
For Respondent 2 : Mr.D.Suryanarayanan
For Respondent-4 : Served-No Appearance

O R D E R

The Writ Petition is filed for a direction to the second respondent to consider the petitioner's representation dated 07.01.2016 for cancelling the solar power house allotment in

favour of the fourth respondent in Survey No.478/2, 1.59 acres 477/2, 0.5 acres situated at Nanjukondapuram Panchayat, Kaniyambadi Union, Vellore District in pending civil case.

2. Originally, the disputed "A" schedule property belonged to the petitioner's father, viz., Andi Gounder and his brother Kullu Gollu Gounder and their father Kothandarama Gounder. After the death of the said Kothandarama Gounder, there was a partition among the joint family members on 02.09.1972. The said property fell to the share of Andi Gounder, who died on 21.09.2004 leaving behind his wife, four sons including the petitioner and his daughter. The fourth respondent herein had claimed ownership over the property based on the Sale Deed dated 15.09.1980. Therefore, a suit in O.S.No.192 of 2006 was filed on the file of the District Munsif, Vellore. In the meanwhile, the fourth respondent has taken the allotment for construction of Solar Green House. Hence, the petitioner sent a representation dated 07.01.2016 to the second respondent for cancelling the allotment of Solar Green House made in favour of the fourth respondent. The said representation has not been considered by the second respondent. Hence, the petitioner is before this Court.

3. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 has produced the proceedings of the second respondent in Na.Ka.Na.No.A4/185/2015 dated 08.02.2016, wherein, it is stated that the Solar Green House allotted in favour of the fourth respondent was cancelled.

4. As already the said Solar Green House allotted in the favour of the fourth respondent was cancelled, nothing survives for further consideration in this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

srn

To

1. The District Collector,
Vellore District.

2. The Block Development Officer,
Kaniyambodi Union,
Vellore District.

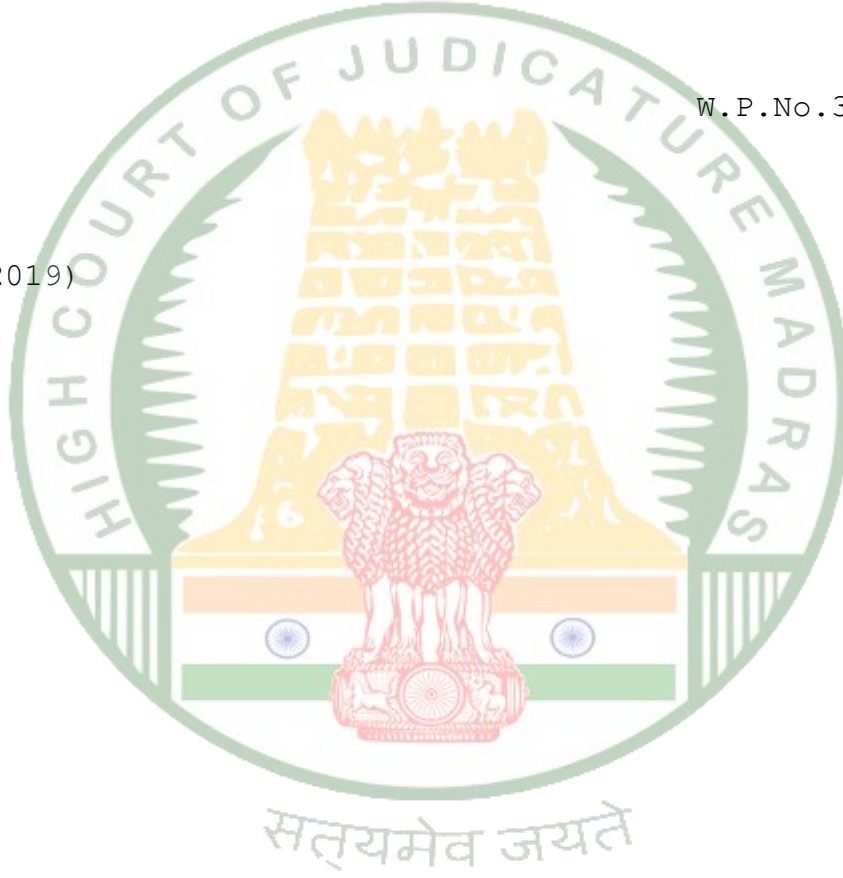
3. The Village Administrative Officer,
Nanjukondapuram Village,
Vellore Taluk,
Vellore District.

+1 CC to Mr.D.Suryanarayanan, Advocate sr 32674.

+1 CC to The Govt. Pleader sr 33466.

W.P.No.3356 of 2016

KJ(CO)
SP(14/05/2019)



WEB COPY