

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.26507 of 2018

and W.M.P.Nos.30834 & 30838 of 2018

Anandhakumar

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Block Development Officer (Panchayat),
Thalaivasal Panchayat Union,
Thalaivasal, Salem District 636 112.

3.Consumer Rights Protection Centre
Thalaivasal Region (Regd.),
Represented by its President Mr.T.Govindan,
No.69, National High Way No.79,
Thalaivasal Village and Post,
Attur Taluk,
Salem District 636 112.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF CERTIORARI, calling for the records relating to the order dated 06.08.2018, in Na.Ka.No.3070/2016/A7, of the first respondent herein and quash the same as arbitrary, non-application of mind and violation of principle of natural justice and pass such further or other orders as this Court may deem fit and proper in the circumstances of this case.

For petitioner : Mr.P.Dinesh Kumar

For R3 : Mr.A.E.Ravichandran Adithya

For R1 and R2 : Mr.C.Thirumaran,
Special Government Pleader

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF CERTIORARI, calling for the records relating to the order dated 06.08.2018, in Na.Ka.No.3070/2016/A7, of the first respondent herein and quash the same as arbitrary, non-application of mind and violation of principle of natural justice and pass orders as this Court may deem fit and proper in the circumstances of this case.

2. According to the learned counsel for the petitioner, the petitioner has challenged the order of the first respondent by raising the ground that no opportunity was granted to the petitioner.

3. The learned counsel appearing for the third respondent would submit that the third respondent has filed a Writ Petition in W.P.No.21891 of 2017 before this Court seeking direction to remove the illegal construction put up by the petitioner herein in the Government land comprised in Survey No.44/3B, Thalaivasal Village and Panchayat, measuring an extent of four cents. By order dated 27.08.2018, this Court has recorded the impugned order passed by the first respondent dated 06.08.2018 and disposed the writ petition with a direction to demolish the building in question, put up by the petitioner, within a period of three weeks from the date of receipt of a copy of that order. Now the writ petitioner has filed this present writ petition, challenging the impugned order is not maintainable before this Court.

4. At that stage, the learned counsel appearing for the petitioner would submit that the petitioner has filed a Review Application in C.M.P.No.3225 of 2019 and the same is yet to be listed before the Hon'ble Division Bench of this Court.

5. On perusal of the order of this Court dated 27.08.2018 in W.P.No.21891 of 2017, it is seen that further direction has been granted by this Court by demolishing the building in question put up by the petitioner herein, within a period of three weeks from the date of receipt of a copy of that order. That being the order of this Court, this Court cannot entertain the present writ petition, therefore, the Writ Petition is liable to be dismissed.

6.In the light of the above submission, this Writ Petition stands dismissed. It is open to the writ petitioner to challenge the impugned order, subject to the outcome of the orders passed in the aforesaid Review Application. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Salem District, Salem.
- 2.The Block Development Officer (Panchayat),
Thalaivasal Panchayat Union,
Thalaivasal, Salem District 636 112.
- 3.Consumer Rights Protection Centre
Thalaivasal Region (Regd.),
Represented by its President Mr.T.Govindan,
No.69, National High Way No.79,
Thalaivasal Village and Post,
Attur Taluk,
Salem District 636 112.

+1cc to Mr.M.R.Kuyilan, Advocate Sr.14806
+1cc to M/S.A.E.Ravichandran, Advocate Sr.14459
+1cc to the Government Pleader Sr.15599

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