



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.20723 of 2019

and

W.M.P(MD)No.17343 of 2019

WEB COPY

- 1.K.Jayapandian
- 2.K.Jayapandi
- 3.J.Geetha
- 4.T.Thangam
- 5.S.Balamurugan
- 6.K.Chinnapitchai
- 7.G.Sankar
- 8.S.Parameswari
- 9.Tamil Selvi
- 10.P.Dinesh Prabharan

... Petitioners

/Vs./

- 1.The District Collector,
O/o. the District Collector , Sivagangai District.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer, Sivagangai District.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Sivagangai District.
- 4.The Sub-Registrar,
O/o. the Sub-Registrar, Thirupuvanam,
Thirupuvanam, Sivagangai District.
- 5.The Tahsildar,
Thirupuvanam, Sivagangai District.
- 6.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.C5/8657/2013 dated 08.12.2018 and quash the same as illegal.

For Petitioners : Mr.M.Ajmal Khan
Senior Counsel
for Mr.H.Mohamed Imran
for M/s.Ajmal Associates



For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.M.Ajmal Khan, learned Senior Counsel instructed by Mr.H.Mohamed Imran, learned counsel is before this Court.

2. Mr.V.Anand, learned Government Advocate, accepts notice on behalf of all the six (6) respondents (official respondents).

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. Read this in conjunction with and in continuation of earlier proceedings of this Court both dated 26.09.2019 made in W.M.P.(MD)No.17342 of 2019 in W.P.(MD)No.20723 of 2019 and W.P.(MD)No.20723 of 2019, which read as follows:

'W.P.(MD)No.20723 of 2019:

Mr.M.Ajmal Khan, learned Senior Counsel instructed by Mr.C.Venkatesh Kumar, learned counsel on record for Writ Petitioners is before this Court.

2.Learned Senior Counsel submits that the impugned order in the instant Writ Petition being order dated 08.12.2018 made by the second respondent was assailed at the instance of another noticee (A.Chandrasekaran) and a learned Single Judge of this Court allowed the Writ Petition and set aside the impugned order vide order dated 25.04.2019 in W.P.(MD).No.4368 of 2019. It is submitted by learned Senior Counsel, on instructions, that there was no intra Court appeal and that the said order has since been implemented / given effect to.

3.Mr.V.Anand, learned Government Advocate accepts notice on behalf of respondents 1 to 5 and Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of sixth respondent.

4.Both State Counsel seek time to get instructions and respond.

5.Registry to show the names of both aforesaid State counsel in the next listing.

6.List in the motion list on **04.10.2019.**

W.M.P. (MD)No.17342 of 2019
in W.P. (MD)No.20723 of 2019:

<https://hcservices.ecourts.gov.in/hcservice9/> Instant 'Writ Miscellaneous Petition'



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(hereinafter 'WMP' for brevity) has been filed with the following prayer:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to dispense with the production of original impugned order passed by the second respondent in his proceedings e.f.rp5/8657/2013, dated 08.12.2018 for the present and thus render justice.'

2.The reason for seeking aforesaid dispense with prayer is articulated at page 7 of the affidavit filed in support of instant WMP and the same reads as follows:

'I respectfully state that since the original copy of the impugned order is not available with us. Hence, I am able to get a photocopy of the impugned orders and filed the same in the above writ petition.'

3.To be noted, a photocopy of the impugned order has, nonetheless, been produced.

4.In the light of the aforesaid narrative, instant WMP is ordered as prayed for.'

5. Today, after getting instructions, learned State counsel submits that there is no disputation or disagreement that the impugned order has been set aside by another learned Single Judge of this Court vide order dated 25.04.2019 made in W.P.(MD)No.4368 of 2019. Submission made by learned State counsel that said order has not been carried in appeal and that it has been given effect too is also not disputed by learned State counsel.

6. In the light of the aforesaid narrative, instant prayer in this writ petition is acceded to. Instant Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)



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To

- 1.The District Collector,
O/o. the District Collector, Sivagangai District.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer, Sivagangai District.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer, Sivagangai District.
- 4.The Sub-Registrar,
O/o. the Sub-Registrar, Thirupuvanam,
Thirupuvanam, Sivagangai District.
- 5.The Tahsildar, Thirupuvanam, Sivagangai District.
- 6.The Executive Officer, Thiruppuvanam Town Panchayat,
Thiruppuvanam, Sivagangai District.

+10 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-91477[F] dated
04/10/2019)

Order made in
W.P(MD)No.20723 of 2019
Dated:
04.10.2019

_KM/(18.10.2019) 4P 17C