



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23668 of 2019

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Tamil Selvi

... Petitioner

/Vs./

1.The District Collector,
Sivagangai District, Sivagangai.

2.The District Revenue Officer,
Sivagangai, Sivagangai District.

3.The Thasildar,
Thiruppuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating the proceedings of the 2nd respondent made in Na.Ka.C5/8657/2013 dated 08.12.2018 and the consequential proceedings of the 3rd respondent made in O.Mu.A3/1179/2019, dated 16.07.2019, and quash the same and consequently direct the 3rd respondent to effect mutation in the revenue records in respect of property comprised in Plot No.158, SMS Nagar II, situated in S.No.1/6, Thiruppuvanam Nellmudikarai Village, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.K.Govindarajan
For Respondent : Mr.B.Bhagawathi
Government Advocate

ORDER

Mr.K.Govindarajan, learned counsel on record for writ petitioner and Mr.B.Bagawathi, learned Government Advocate who accepts notice on behalf of all the three respondents are before this Court.

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

3. Short point is that the impugned order in the instant writ petition was set aside by another Hon'ble Single Judge of this Court in another writ petition filed by another writ petitioner. There is no disputation or disagreement that there is no intra Court appeal against this order of another Hon'ble Single Judge. In this regard,



when some other petitioners approached this Court by way of a writ petition, an order came to be passed on 04.10.2019 in W.P.(MD) No.20723 of 2019, which reads as follows:

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

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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:

Instant 'Writ Miscellaneous Petition' (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. '

4. There is disputation or disagreement today that the instant matter is directly and squarely covered by the aforesaid order dated 04.10.2019 made by this Court.

5. In the light of aforesaid narrative thus far, certiorari limb of prayer in instant writ petition is acceded to. Instant Writ Petition is thus disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The District Revenue Officer,
Sivagangai, Sivagangai District.

3.The Thasildar,
Thiruppuvanam,
Sivagangai District.

+1 CC to Mr.K.GOVINDARAJAN, Advocate (SR-97119[F] dated 08/11/2019)

+1 CC to Spl.GP (SR-97282[F] dated 11/11/2019)

Order made in
W.P(MD)No.23668 of 2019
Dated:08.11.2019

__MK (02.12.2019) 4P 6C