

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.11757 of 2009 &
M.P.No. 2 of 2009

V.Ramasamy

...Petitioner

vs.

1. The District Collector,
Salem,

2. The Special Tahsildar (ADW),
Omalur, Salem District.

3. Mr.Nallappan

4. Mannivannan

5. Selvi

6. Mariammal

7. Amaravathi

8. Paavayee

9. Jaya

10. Govindammal

11. Madhammal

(R5 to R11 are impleaded as per order dated 16.07.2019
by MKKSJ in WMP No.3075 of 2019 in
W.P.No.11757 of 2009)

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records relating to the proceedings in Na.Ka.15453/07/T8, dated 28.03.2008, on the file of the first respondent relating to the lands in S.No.297/1A2, 301/1A2, 1B & 1C, measuring 2.41 Acres in Vanavasi Village, Mettur Taluk, Salem District, quash the same.

For Petitioners : Mr.S.Kalyanaraman
For Respondents : Ms.Radhika, Govt. Advocate for R1 & R2
Mr.P.Mani for R5 to R11

O R D E R

I heard Mr.S. Kalyanaraman, the learned counsel for the petitioner and Ms.Radhika, the learned Government Advocate for Respondents 1 and 2 and Mr.P.Mani, the learned counsel for Respondents 5 to 11.

2. In this writ petition, the Petitioner challenges the proceedings dated 28.03.2008 on the file of the first Respondent with regard to the permission to acquire the lands in the specified Survey Numbers through private negotiation for the purposes of allotment to persons of Adidraavidar Community. The learned counsel for the Petitioner submitted that the writ petition was filed because the properties in respect of which permission was granted by the impugned communication dated 28.03.2008 is a joint family property belonging to the families of the Petitioner as well as Respondents 3 and 4. Consequently, he submits that permission should not have been granted for sale of the said properties to the Government through private negotiation with Respondents 3 and 4 by excluding the Petitioner. The learned counsel also submits that O.S.No.176 of 2007 was filed for partition and for delivering of the petitioner's share in the said property, but the said suit was dismissed prior to filing of this writ petition.

3. Upon considering the submissions and examining the documents on record, I find that it is the admitted position that the lands in question were acquired by the Government pursuant to the proceedings dated 28.03.2008. Indeed, the said lands have also been subsequently allotted to Respondents 5 to 11 who were impleaded subsequently and are represented through Mr.P.Mani, the learned counsel. In these circumstances, nothing survives for adjudication in this writ petition inasmuch as the Petitioner would have to challenge the sale of the property by Respondents 3 and 4 in favour of the Government and the subsequent allotment thereof to Respondents 5 to 11.

4. Accordingly, subject to the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

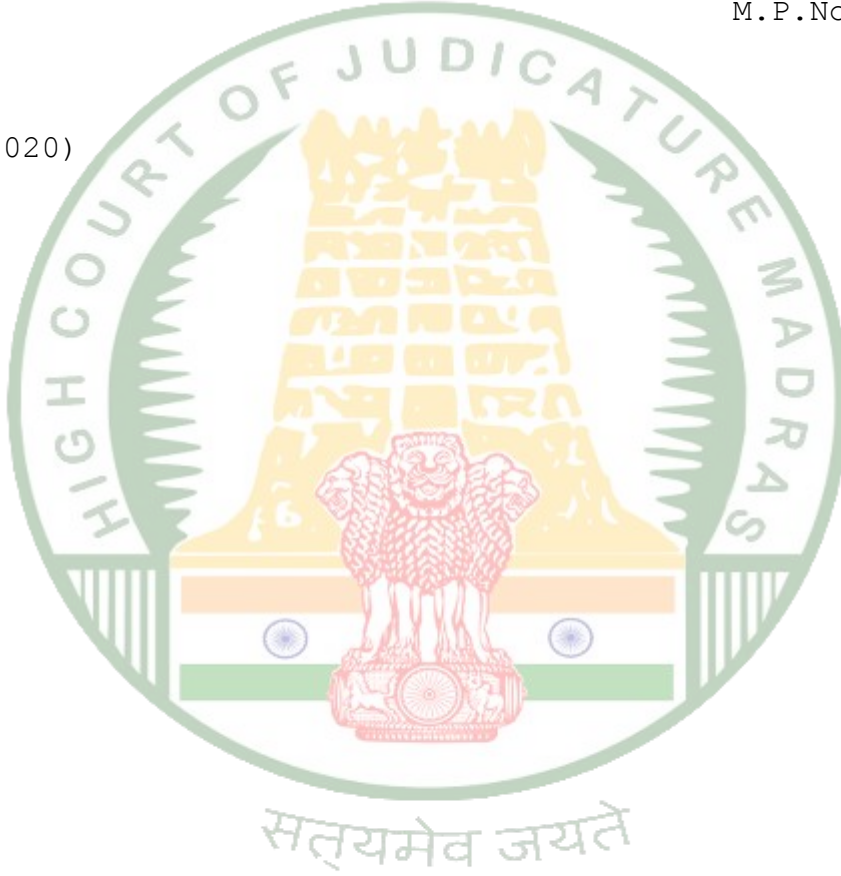
1. The District Collector,
Salem,
2. The Special Tahsildar (ADW),
Omalur, Salem District.

+1cc to M/s.S.Kalyanaraman, Advocate, S.R.No.37056

+1cc to the Government Pleader, S.R.No.37155

Writ
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M.P.No. 2 of 2009

NRJK(CO)
RV(10/12/2020)



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