

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.15321 of 2020

and

W.M.P.No.19157 of 2020

Pappathi Ammal

...Petitioner

Vs

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
2. The District Revenue Officer,
Coimbatore District,
Coimbatore - 641 018.
3. The Sub-Collector,
O/o The Revenue Division Office (North)
Thudiyalur,
Coimbatore - 641 034.
4. The Executive Officer,
Gudalur Town Panchayat,
Nehru Nagar,
Samichettypalayam Post,
Coimbatore - 641 047.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Second Respondent to pass appropriate orders on the Appeal No.14064/2020/A1 filed by the Petitioner, for restoring the assignment in her favour, in respect of the land measuring an extent of 5.00 acres, comprised in Survey No.969/2 in Gudalur Village, Coimbatore North Taluk, Coimbatore District, in accordance with law, within a reasonable time.

For Petitioner : Mr.A.E.Ravichandran

For R1 to R3 : Mr.G.Rajesh
Government Advocate

For R4 : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

Mr.G.Rajesh, learned Government Advocate takes notice for first to third respondents and Mr.V.Jayaparakash Narayanan, Government Pleader takes notice for fourth respondent.

2. With the consent of the learned counsel for the petitioner and the respondents, this writ petition is taken up for final disposal/final hearing.

3. The petitioner has filed this writ petition for the following relief:-

To issue a Writ of Mandamus directing the 2nd respondent to pass an order of interim injunction restraining the respondents, their men or agent or

any other person acting through them, from any way altering the physical features or creating third party rights in the land assigned to the petitioner, measuring an extent of 5.00 acres, comprised in Survey No.969/2 in Koodalur Village, Coimbatore North Taluk, Coimbatore District.

4. The case of the petitioner is that, the land was assigned to the petitioner's husband by the State Government under the Ex-Servicemen Quota. According to the respondent, the Assignment was later cancelled on 27.10.1980. In this connection, proceedings have been initiated which have culminated in an order dated 17.09.2019 of the third respondent.

5. The petitioner has filed an appeal before the second respondent and the same is pending. A summons dated 12.09.2020 also has been issued by the second respondent.

6. The learned counsel for the second respondent submits that they will pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

7. The learned counsel for the petitioner submits that pending disposal of their appeal before the second respondent, the respondents may be restrained from altering physical features to the land. I find that the submission of the learned counsel for the petitioner is reasonable.

8. Recording the same, this Writ Petition is disposed of by directing the second respondent to dispose the appeal dated 14.08.2020 filed by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Pending

disposal of the said appeal, the the physical feature of the land concerned shall not be altered. The status quo shall be maintained till the disposal of the said appeal. Further, action shall be taken subject to the outcome of the appeal before the second respondent.

9. This Writ Petition is disposed of with the above observations. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
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Coimbatore District,
Coimbatore - 641 018.
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Nehru Nagar,
Samichettypalayam Post,
Coimbatore - 641 047.

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.334793

+1cc to the Government Pleader, S.R.No.34813

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MG(CO)
RV(03/12/2020)