

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 17.12.2020  
CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.18126 of 2020 and  
W.M.P. Nos. 22516, 22517 & 23177 of 2020

1. Geetesan
2. Naresh Kumar

... Petitioners

- v.
- 1.The Settlement Officer (South) Chennai,  
Chepauk,  
Chennai - 600 005.
  - 2.The Assistant Settlement Officer (South) Chennai,  
Chepauk,  
Chennai - 600 005.
  3. The Special Tahsildar,  
Attur Town & Taluk,  
Attur, Salem District.
  4. R.Mohan Ranganathan
  5. S. Rajaram
  6. R. Gokulakannan
  7. R. Mala
  8. Alamelu
  9. Vijayalakshmi
  10. Hari Govindan
  11. Ambujam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari calling for the records relating to the order dated 07.10.2020 in RC.H1/855/2020 of the 2<sup>nd</sup> respondent herein and quash the same.

For Petitioners : Ms. AL.Gandhimathi  
For Respondents : Ms. A. Mathumathi,  
Special Govt. Pleader - R1 to R3

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Certiorari to call for the records relating to the order dated 07.10.2020 passed by the 2<sup>nd</sup> respondent and to quash the same.

2. As against the order dated 07.10.2020 passed by the 2<sup>nd</sup> respondent, the petitioners have got remedy by way of an appeal before the 1<sup>st</sup> respondent, viz., Settlement Officer (South), Chennai.

3. The 2<sup>nd</sup> respondent, by order dated 07.10.2020, rejected the case of the petitioners and even in the order impugned in the Writ Petition, it was made clear to the petitioners that they have remedy by way of an appeal before the Settlement Officer. The petitioners have also filed an appeal before the Settlement Officer (South), Chennai, in Ref/Case No.5032 of 2020, challenging the order dated 07.10.2020 passed by the 2<sup>nd</sup> respondent and the same is pending.

4. Ms. AL.Gandhimathi, learned counsel appearing for the petitioners submitted that though the petitioners have sought for interim stay, the 1<sup>st</sup> respondent has not passed any order in the Stay Petition so far.

5. When the petitioners have filed an appeal before the 1<sup>st</sup> respondent challenging the impugned order dated 07.10.2020, the petitioners cannot maintain two parallel proceedings. Hence, the Writ Petition cannot be entertained and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. However, the 1<sup>st</sup> respondent- Settlement Officer (South), Chennai, is directed to pass orders in the Stay Petition on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and the appeal in Ref/Case No.5032 of 2020, within a period of eight weeks thereafter. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj  
To

1.The Settlement Officer (South) Chennai,  
Chepauk,  
Chennai - 600 005.

2.The Assistant Settlement Officer (South) Chennai,  
Chepauk, Chennai - 600 005.

3. The Special Tahsildar,  
Attur Town & Taluk, Attur, Salem District.

+1 cc to Government Pleader Sr.No. 41844

+1cc to Ms. AL.Gandhimathi, Advocate SR.No. 41787

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