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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 4826 of 2008

and

W.M.P. Nos. 1 and 2 of 2008

K.Lakshmi

... Petitioner

-vs-

1. State of Tamil Nadu,
Represented by Special Commissioner and
Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner for Local Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector, Coimbatore.
4. M.Palanisamy
5. Samuel.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in G.O.Ms.No.281 / Revenue Department dated 10.06.2004 and that of the third respondent in Na.Ka.Va.Pa.No.8A/1993 (aa1) dated 29.09.2004 and quash both of them and consequently direct the third respondent to assign Patta in the name of the petitioner herein.

For Petitioner : No appearance
For Respondents : Ms.Akila Rajendran
Counsel for Govt. for R1 to R3
Mr.N.A.Nissar Ahmed for R4
No appearance for R5



O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in G.O.Ms.No.281 / Revenue Department dated 10.06.2004 and the third respondent in Na.Ka.Va.Pa.No.8A/1993 (aal) dated 29.09.2004 and quash both of them and consequently direct the third respondent to assign Patta in the name of the petitioner herein.

2. The landed property in S.Nos.709/2 and 709/3 is the subject land, which originally belonged to Karuppusamy, who is none other than the father of the petitioner. The said land seems to have been assigned to him and in view of the conditions imposed in the assignment allegedly violated by the assignee, it seems that, the Government after having reviewed the same had issued a Government Order in G.O.Ms.No.281, Revenue Department, dated 10.06.2004 taking over the land from the said Karuppusamy.

3. In the meanwhile, the 4th respondent already purchased the land from the said Karuppusamy for a valid sale consideration and accordingly, he claimed to be the owner of the property in question.

4. At that juncture, since G.O.Ms.No.281 was issued, by virtue of that, the land purchased by the 4th respondent since have been taken away by the authorities concerned by issuance of G.O.Ms.No.281, the petitioner was triggered to challenge the said G.O. and the consequential proceedings, before this Court in W.P. No. 9139 of 2003 etc., where, this Court, by order dated 22.04.2010 allowed the Writ Petitions by quashing the said Government order and the consequential proceedings, by which, the land in question taken away from the Karuppusamy, who is the vendor of the petitioner automatically got restored in favour of the petitioner.

5. When that being so, during the pendency of the said Writ Petition, the present petitioner, who is none other than the daughter of the said Karuppusamy, who is the vendor, has filed the present Writ Petition with the aforesaid prayer challenging the very same G.O.Ms.No.281 dated 10.06.2004 and the consequential proceedings issued by the third respondent.

6. It is brought to the notice of this Court by the learned counsel for the 4th respondent that, the very same impugned Government Order and the consequential proceedings having been challenged successfully and the Writ Petitions filed by the petitioner and others were allowed on 22.04.2010, the prayer sought for in this Writ Petition has become infructuous, as



nothing survives, since the impugned Government Order as well as the consequential proceedings have already been quashed by the orders of this Court dated 22.04.2010, as against which, since no further appeal was filed, it has become final.

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7. I have heard the learned counsel for the Government appearing for the official respondents. The aforesaid position is not in controversy.

8. However, when the case was called in earlier occasions as well as today, there is no representation for the petitioner.

9. Since the very Government Order as well as the consequential proceedings which are impugned herein have already been under challenge in the connected Writ Petitions referred to above, where, this Court allowed those Writ Petitions by order dated 22.04.2010 quashing the said order as well as the consequential proceedings which are exactly the impugned orders herein, this Writ Petition has become infructuous as no further orders need to be passed on the prayer sought for herein.

10. Therefore, recording the aforesaid, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

vji

To

1. The Special Commissioner and
Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner for Local Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.



3. The District Collector,
Coimbatore.

+1 CC to The Government Pleader, SR 30273.

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PMK (CO)
LS (22/07/2021)