

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.A.Nos.1705 & 1706 of 2017

Maduranthagi Natchiyar
D/o Karthikeyaraja

..Appellant in both the Writ Appeals

-vs-

01. The Special Commissioner &
Commissioner of Land Administration
Chepauk
Chennai 600 005
02. The Director of Survey & Settlements
Chennai 600 005
03. The Land Settlement Officer
Thanjavur
04. The Assistant Land Settlement Officer
Madurai
05. The District Forest Officer
Ramnad-cum-P.M.T.Forest Division
Sivagangai 630 501
06. Raghuraj
07. Rajalakshmi
08. Mahesh
09. Tmt.Banumathi Natchiyar
10. N.Lakshmi Priya
11. Minor Akila Nagendiran
12. Minor Sai Sivam
(Minors 11 & 12 rep.by natural
guardian N.Lakshmi Priya
Wife of deceased Nagendran

..Respondents in both the Writ Appeals

Appeals filed under Clause 15 of the Letters Patent, against
the order dated 25.01.2017 made in W.P.Nos.384 & 686 of 2011.

W.P.Nos.384 & 686/2011:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records from the 1st Respondent herein pertaining to letter No.R.C.K1/21392/2010 and to quash the order passed therein dated 08.09.2010 and Ne.Ku.K1/38950/01 and to quash the same order passed therein dated 26.09.2003.

For Appellant :: No appearance

For Respondents :: Mr.K.Magesh
Special Government Pleader
for R1 to 4
Mr.S.Prabhu
Additional Government
Pleader (Forest) for R5
No appearance for R6 to 12

JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

No one appeared for the appellant.

2. Learned Additional Government Pleader (Forest) appearing for the fifth respondent, placing on record the order of the Hon'ble Division Bench dated 2.11.2012 passed in Writ Appeal No.2327 of 2012, stated that since the issue raised in the present writ appeals in respect of the land in question has already been decided by the Hon'ble Division Bench in the aforementioned writ appeal, nothing survives in the present writ appeals. Secondly, the learned Additional Government Pleader appearing for the fifth respondent, referring to the order passed by the learned single Judge impugned before us, also stated that the learned single Judge also, relying heavily upon the order dated 17.4.2012 passed in Writ Petition No.36216 of 2003, has dismissed the Writ Petition Nos.384 & 686 of 2011 by the order dated 25.1.2017. Since the order dated 17.4.2012 passed in Writ Petition No.36216 of 2003 relied upon by the learned single Judge also, has been confirmed by the Hon'ble Division Bench vide order dated 2.11.2012 passed in Writ Appeal No.2327 of 2012, nothing survives in the present writ appeals.

3. We have also perused paragraphs 24, 25 & 26 of the order dated 17.4.2012 passed in Writ Petition No.36216 of 2003 that have been referred to and relied upon by the learned single Judge while dismissing the Writ Petition Nos.384 & 686 of 2011 vide the impugned order dated 25.1.2017. When the order dated 17.4.2012 passed in Writ Petition No.36216 of 2003 was confirmed by the Hon'ble Division Bench in Writ Appeal No.2327 of 2012 dated 2.11.2012, as rightly canvassed by the learned Additional

Government Pleader appearing for the fifth respondent, we are able to see that the issue raised in the present writ appeals in respect of the land in question is no longer res integra, as the same has already been decided. Therefore, when both the issue and the subject matter of the land in question raised in the present writ appeals were already considered, following the order dated 2.11.2012 passed by the Hon'ble Division Bench in Writ Appeal No.2327 of 2012, both the writ appeals fail and they are dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ss
To

1. The Special Commissioner &
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Chennai 600 005
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+1 CC to The Special Government Pleader (Forest) sr 21876, 21877

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LN(CO)
SP(26/05/2021)

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