



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11102 of 2009

S.Haja Allaudin

... Petitioner

Vs

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The President,
Pottal Pudur Village Panchayat,
Kadayam Panchayat Union,
Tirunelveli District.
- 3.The Inspector of Police,
Alwarkuruchi Police Station,
Alwarkuruchi Post,
Tirunelveli District.
- 4.The Managing Committee,
Mohideen Andavargal Pallivasal,
Pottal Pudur Post-627 423,
Ambasamudram Taluk,
Tirunelveli District.
- 5.S.Alagu Shunmuga Sundari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the respondents 4 and 5 under Section 31 and 34 of the Tamil Nadu Panchayats Building Rules 1997 and consequently, direct the respondents 1 and 2 to acquire the land situated in S.No.527 Pottal Pudur Village, Ambasamudram Taluk, Tirunelveli District as per Section 137 of Tamil Nadu Panchayats Act, 1994.

For Petitioner	: Mr.M.Saravanakumar
For R1 to R3	: Mr.C.Ramar
	Government Advocate
For R2	: Mr.D.Muruganantham
For R4 & R5	: Mr.V.Balaji

ORDER

Heard the learned counsel on either side.

2.The petitioner alleges that the fifth respondent has been permitted to put up a Fuel Filling Station in the land partly



belonging to the fourth respondent and partly a poromboke land in violation of Rules and Regulations.

3. When I was about to consider the issue on merits, the learned counsel appearing for the fourth respondent brought to my notice that the very same issue was agitated in W.P.(MD)No.9382 of 2007 before the Hon'ble Division Bench. The Hon'ble Division Bench, by order dated 15.11.2007, dismissed the writ petition by giving liberty to the petitioner therein to move the Wakf Tribunal or any other appropriate forum to seek remedy. Since the issue was foreclosed in the said writ petition itself, it is not open to this Court to permit the petitioner to reopen the issue. It appears that the Hon'ble Division Bench dismissed the writ petition on 15.11.2007. The present writ petition came to be filed in October 2009. The cause of action is one and the same. The writ petitioner alone is different. When the Hon'ble Division Bench decided the issue, it is not open to me to take a different stand. The Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
Alwarkuruchi Police Station,
Alwarkuruchi Post,
Tirunelveli District.

+1CC to M/s.SPL GP,SR.No.1087 dated 19/01/2021.

+1CC to Mr.V.Balaji,Advocate,SR.No.1037 dated 19/01/2021

W.P. (MD)No.11102 of 2009
18.01.2021

AC (CO)

KB(04.02.2021) 2P 5C