



WEB COPY

W.A(MD)No.605 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.605 of 2010

and

M.P(MD)No.2 of 2010

1.A.Anand
2.A.Vanitha
3.A.Suresh

... Appellants/3rd Parties

Vs.

1.A.Perumalsamy

... 1st Respondent/Petitioner

2.The Assistant Commissioner
(Land Reforms),
Madurai.

... 2nd Respondent/ 1st Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 29.07.2010 made in W.P(MD)No.9801 of 2010 on the file of this Court.

Prayer in WP(MD). 9801/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a WRIT OF MANDAMUS, directing the Respondent to pass final orders on the petitioner's application dated 25-08-2008.

For Appellants : Mr.M.Ajmal Khan
Senior Counsel

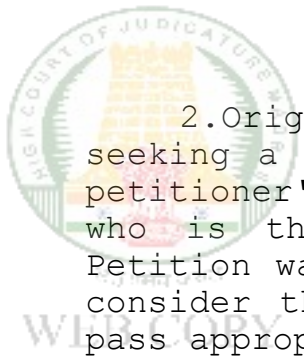
For R - 1 : Mr.Anwar Sameem
for Mr.I.Irulappan

For R - 2 : Mr.K.P.Narayana Kumar,
Special Government Pleader.

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This Writ Appeal is preferred by the third parties, who are not parties to the writ proceedings in W.P(MD)No.9801 of 2010.



2.Originally, the said Writ Petition was filed for a Mandamus, seeking a direction to the respondent to pass final orders on the petitioner's application, dated 25.08.2008, by one A.Perumalsamy, who is the first respondent / writ petitioner. The said Writ Petition was disposed of on 29.07.2010, directing the respondent to consider the application on merits and in accordance with law and pass appropriate orders within a period of 90 days.

3.However, it is now pointed out by the learned counsel for the appellants, who are the third parties, that even as early as on 19.02.2009, the application, dated 25.08.2008 given by A.Perumalsamy / first respondent-writ petitioner was considered by the Assistant Commissioner (Land Reforms), Madurai and that the lands have been taken possession by the second respondent and the said lands would be allotted to the landless poor, based on their entitlement. The said order, dated 19.02.2009 was challenged by the first respondent / writ petitioner in W.P(MD)No.13367 of 2009, which was also dismissed by this Court and an appeal in W.A(MD)No.826 of 2011 is preferred and it is pending.

4.Be that as it may, as the original prayer in the Writ Petition itself has been considered and orders passed, nothing survives for adjudication in this Writ Appeal.

5.In view of the above, this Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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

The Assistant Commissioner
(Land Reforms),
Madurai.

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+1 CC to SPL GP (SR-2005[F] dated 25/01/2021)

W.A(MD)No.605 of 2010
21.01.2021

VB (08.02.2021) 3P 3C