



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)Nos.1635 and 1646 of 2011

and

M.P. (MD) No.1 of 2011

WEB COPY

W.P. (MD)No.1635 of 2011

C.Lawrence

... Petitioner

- vs -

1.Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.Special Commissioner and
Director of Survey and Settlement,
Survey House, Chepauk,
Chennai - 5.

3.Additional Director of Survey and Land Records,
Survey House,
Chepauk,
Chennai - 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of first respondent in G.O.(1D).No.142, Revenue [L.S.3(1)] Department, dated 25.03.2010, quash the same as illegal, arbitrary and unenforceable and consequently direct the respondents to give paper promotion to the petitioner retrospectively from the date from which his juniors were given promotion to higher posts from 1982 to 1999 panels.

W.P. (MD)No.1646 of 2011

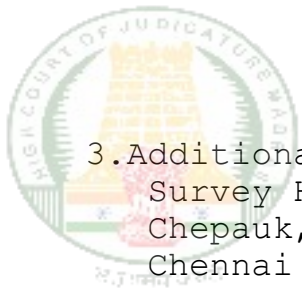
S.Sudalaimuthu

... Petitioner

- vs -

1.Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 600 009.

2.Special Commissioner and
Director of Survey and Settlement,
Survey House, Chepauk, Chennai - 5.



3.Additional Director of Survey and Land Records,
Survey House,
Chepauk,
Chennai - 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of first respondent in G.O.(1D).No.142, Revenue [L.S.3(1)] Department, dated 25.03.2010, quash the same as illegal, arbitrary and unenforceable and consequently direct the respondents to give paper promotion to higher posts from 1982 to 1999 panels.

In both cases:

For Petitioner	:	Mr.M.R.S.Prabhu for M/s.V.K.Vijayaraghavan
For Respondents	:	Mr.D.Muruganantham Additional Government Pleader

COMMON ORDER

In view of the fact that the issue involved in both the Writ Petitions is one and the same, both the Writ Petitions are taken up together and disposed of by this common order.

2.The petitioners have challenged the Government Order passed by the first respondent in G.O.(1D).No.142, Revenue [L.S.3(1)] Department, dated 25.03.2010 as illegal, arbitrary and unenforceable and sought for consequential direction to the respondents to give notional promotion to the petitioners from the date from which their juniors were given promotion to higher posts from 1982 to 1999 panels.

3.The case of the petitioners is that they have worked as Deputy Inspector of Survey and retired from service on 31.12.2002 and 30.11.2002 respectively. It is their further case that during the pendency of these Writ Petitions, the Government have passed G.O.Ms.No.166, Revenue [L.S.3(2)] Department, dated 18.05.2012 conferring Sub Inspector of Survey notionally from 04.12.1971 and monetary benefits as well as consequential benefits to the petitioner and other similarly placed persons. Therefor, they are now claiming notional promotion and other benefits in terms of G.O.Ms.No.166, Revenue [L.S.3(2)] Department, dated 18.05.2012. However, the learned Counsel appearing for the petitioners would submit that without prejudice to the contention of the petitioners, the respondents may be directed to implement the G.O.Ms.No.166, Revenue [L.S.3(2)] Department, dated 18.05.2012, to the petitioners and pass further orders. To that extent, the learned Counsel for the petitioners has filed memos on 07.01.2021. The said memos are recorded.



4.The learned Additional Government Pleader appearing for the respondents, by producing a copy of the letter dated 17.08.2013 addressed to the Additional Director of Survey and Land Records, Chennai - 5 by the Deputy Director of Land Survey, Tirunelveli, would submit that the benefits were given right from the year 1971 to the petitioners and 9 other persons in terms of the said G.O.Ms.No.166, Revenue [L.S.3(2)] Department, dated 18.05.2012. The said submission is recorded.

5.In view of the above, since the respondents have categorically stated that the said Government Order was implemented to the petitioners and 9 other persons, nothing survives for adjudication in these Writ Petitions. Accordingly, both the Writ Petitions are dismissed. However, if the petitioners are aggrieved, liberty is given to them to work out their remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The Secretary,Revenue Department,
Secretariat, Chennai - 600 009.

2.The Special Commissioner and Director of Survey and Settlement,
Survey House, Chepauk, Chennai - 5.

3.The Additional Director of Survey and Land Records,
Survey House,Chepauk, Chennai - 5.

+1 CC to M/s.GP (SR-665[F] dated 08/01/2021)

W.P (MD)Nos.1635 and 1646 of 2011

07.01.2021

(KUN) CO

AP (20/01/2021) 3P 5C