



W.P.Nos.27136 & 27137 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.27136 & 27137 of 2015

and

M.P.No.1 of 2015

Mallika Dharmaraj

. . Petitioner in both WPs

Vs.

1. The District Collector of Tiruppur
Collectorate Office Complex
Palladm Road
Tiruppur-641 604.

2. The Revenue Divisional Officer,
Tiruppur Revenue Divisional
Kumaran Road
Tiruppur-641 604.

3. The Thasildar
Avinashi Taluk,
Cheyyur Road,
Avinashi.

4. Thirumurthy

5. Chandrasekaran

. . . Respondents in both WPs



W.P.Nos.27136 & 27137 of 2015

PRAYER in W.P.No.27136 of 2015: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or any other appropriate Writ, Order or Direction in the nature of Writ, calling for the records in O.Mu.No.2825/2015/A3 dated 23.04.2015 on the file of the third respondent and quash the same.

PRAYER in W.P.No.27137 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ, directing the first respondent to dispose off the Appeal Petition dated 16.06.2015 within a time frame to fixed by this Hon'ble Court.

In both WPs:

For Petitioner : M/s.S.Rakhunathan

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader for R1 to R3

: M/s.M.Guruprasad for R5

COMMON ORDER

Since the issue involved in these Writ Petitions are one and the same, both petitions are taken up for final disposal by way of a common order.



W.P.Nos.27136 & 27137 of 2015

2. The Writ Petition in W.P.No.27136 of 2015 has been filed seeking the relief of quashment of the impugned order dated 23.04.2015 which was passed by the 3rd respondent.

3. The Writ Petition in W.P.No.27137 of 2015 has been filed seeking a direction to the 1st respondent to dispose of the appeal petition dated 16.06.2015 filed by the petitioner, within the time that may be stipulated by this Court.

4. It is the case of the petitioner that the subject property in this Writ Petition originally belonged to one Nallasamy @ Nallamooppan along with one Ponnusamy Gounder who are in joint possession of the said property. The above property was sold to one Samiyathal by said Nallasamy vide the registered sale deed dated 19.07.1990. Since, the said property was in joint possession of Ponnusamy Gounder, partition suit was filed by Samiyathal in O.S.No.238 of 1995 which was decreed in her favour and thereafter, possession was handed over to Samiyathal as a result of the Execution Petition filed by her in E.P.No.66 of 2006.



W.P.Nos.27136 & 27137 of 2015

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5. The above property was sold to the petitioner vide the registered sale deed dated 25.01.2007 through the Power of Attorney of said Samiyathal, based on which, he was in possession of the same. While being so, the petitioner made an application for sub-division of Survey No.103/3, pursuant to which, the impugned order dated 23.04.2015 referred in W.P.No.27136 of 2022, came to be passed by the 3rd respondent rejecting the claim of the petitioner, citing the pendency of the suit in O.S.No.761 of 2012 seeking declaration and permanent injunction filed by the 4th respondent herein, challenging the said order, Writ Petition in W.P.No.27136 of 2015 has been filed. However, as against the said order, the petitioner filed an appeal on 16.06.2015 and since the same has not been disposed of, Writ Petition in W.P.No.27137 of 2015 has been filed.

6. Learned counsel for the petitioner submits that though larger relief has been sought in W.P.No.27136 of 2015 seeking quashment of the impugned order dated 23.04.2015, however, subsequently, the petitioner has filed an appeal dated 16.06.2015 as against the said order. Therefore,



W.P.Nos.27136 & 27137 of 2015

learned counsel restricted his prayer and submits that it would suffice if this Court issues a direction to the 1st respondent to dispose of the appeal filed by the petitioner on 16.06.2015 as prayed for in W.P.No.27137 of 2015, within the time that may be stipulated by this Court.

7. On the above contentions, this Court heard the learned Additional Government Pleader appearing for the official respondents and learned counsel for the private respondents and perused the materials available on record.

8. It is borne out by materials on record that, as against the very same impugned order which is under challenge in W.P.No.27136 of 2015, appeal has been filed by the petitioner on 16.06.2015. Pending consideration of W.P.No.127136 of 2015, the petitioner has filed another Writ Petition in W.P.No.27137 of 2015 before this Court seeking disposal of the said appeal which is wholly impermissible as no parallel proceedings can be made as against the very same impugned order. In view of the restricted relief sought for, this Court is inclined to direct the 1st respondent to consider and pass



W.P.Nos.27136 & 27137 of 2015

appropriate orders on the appeal filed by the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, the above Writ Petitions are disposed of with the aforesaid observation and direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

20.10.2022

NHS

Index : Yes / No

Internet : Yes / No



W.P.Nos.27136 & 27137 of 2015

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W.P.Nos.27136 & 27137 of 2015

M.DHANDAPANI, J.

NHS

W.P.Nos.27136 & 27137 of 2015

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