



W.P.No.31001 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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

W.P.No.31001 of 2016  
and  
WMP.No.26876 of 2016

Valliammal (*deceased*)

...Petitioner

Vs.

1. The District Collector,  
Collectorate, Salem.
2. The Revenue Divisional Officer,  
Collectorate, Salem
3. The Tahsildar,  
Vazhaipadi Taluk,  
Salem District.

...Respondents

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to construct any structure in entire extent in sub divided S.F.No.112/1 in Pudupalayam Village, Vazhaipadi Taluk, Salem District.

For Petitioner : M/s.Vanathi Srinivasan



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For Respondents : Mr.U.Baranidharan, AGP

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### **ORDER**

Though the petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents not to construct any structure in the land comprised in sub divided S.F.No.112/1 situated at Pudupalayam Village, Vazhaipadi Taluk, Salem District, subsequently, the petitioner filed another Writ petition before this Court in W.P.No.5355 of 2008 and the same was partly allowed on 29.06.2008 by quashing the show cause notice dated 01.02.2008 issued by the 2nd respondent and thereby, remanding the matter back to the authorities for conducting enquiry, however, the said order of this Court was not implemented by the respondents on the ground that the petitioner had passed away.

2. Pending this Writ petition, the petitioner passed away and learned counsel for the the petitioner though sought for time to implead the legal heirs of the petitioner, however, in the nature of the direction which this Court proposes to pass, impleading the legal heirs may not be necessary. Further, it is borne out by the record that, challenging the aforesaid refusal order, the



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legal heirs of the petitioner herein filed a Writ petition before this Court in W.P.No.25425 of 2022 and this Court, vide order dated 22.09.2022 disposed of the said petition with a direction to the legal heirs of the petitioner to file a fresh application before the 2nd respondent. Hence, this Court is of the view that no further adjudication is required in this Writ petition, however, liberty is granted to the legal heirs of the deceased petitioner to canvass all their grievances before the 2nd respondent at the time of enquiry.

3. Accordingly, this Writ petition stands closed. No costs. Consequently, connected Miscellaneous petition is closed.

**25.11.2022**

skt

Speaking Order : Yes/ No  
Index : Yes/ No

To

1. The District Collector,  
Collectorate, Salem.
2. The Revenue Divisional Officer,  
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3. The Tahsildar,  
Vazhaipadi Taluk,  
Salem District.

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**M.DHANDAPANI, J.**

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