



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26996 of 2019

and

W.M.P.No.26384 of 2019

M/s Parry Agro Industries Limited
Parry House, 5th floor
43, Moore Street
Chennai - 600 001.

...Petitioner

vs.

1. The Secretary to Government,
Revenue and Disaster Management Department,
Survey and Settlement Wing, (SS-I(1) Section)
Fort St.George, Chennai 600 009.
2. The Settlement Officer and District Revenue Officer
Gudalur Janmam Lands
Gudalur
The Nilgiris District.
3. The District Collector
Collectorate
Udhagamandalam
The Nilgiris.
4. The District Revenue Officer
Collectorate
Udhagamandalam
The Nilgiris.
5. The District Forest Officer
O/o. the District Forest Officer
Gudalur
The Nilgiris.
6. The Revenue Divisional Officer
O/o. the Revenue Divisional Officer
Gudalur
The Nilgiris.



7. The Assistant Divisional Engineer,
Highways Department, Gudalur,
The Nilgiris.

8. Forest Settlement Officer,
Gudalur, Nilgiris District,
Nilgiris.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents, their men, agents, officials or employees, from taking any action which interferes with the peaceful possession of the Petitioners of the land situated in Re-survey Numbers 2155, 2156, 2157, 2158, 2159, 2160, 2165, 2166, 2167, 2168, 2169, 2170 and 2171 of Nelliyalam Village, Pandalur Taluk, whether by removing the manned check post or laying a tar road in the said lands or otherwise.

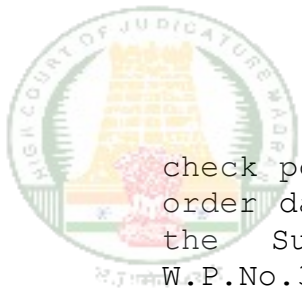
For Petitioner : Mr.Dhina Jain
for Mr.R.Parthasarathy

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, forbearing the respondents, their men, agents, officials or employees, from taking any action which interferes with the peaceful possession of the Petitioners of the land situated in Re-survey Numbers 2155, 2156, 2157, 2158, 2159, 2160, 2165, 2166, 2167, 2168, 2169, 2170 and 2171 of Nelliyalam Village, Pandalur Taluk, whether by removing the manned check post or laying a tar road in the said lands or otherwise.

2. While pending the writ petition, the Sub-Divisional Magistrate, Gudalur, The Nilgiris passed an order for removal of nuisance under Section 136 of Criminal Procedure Code in the proceedings in Rc.A1.No.2206/2019 dated 19.09.2019 thereby directing the petitioner to remove the check post on or before 21.09.2019. However, the petitioner failed to comply such order and again, by an order dated 26.09.2019, the Sub-Divisional Magistrate, Gudalur, The Nilgiris directed the petitioner to remove the check post on or before 27.09.2019, failing which penalty provided under Section 188 of IPC would be imposed on him. Subsequent to the said order, the petitioner removed the



check post on 27.09.2019. In fact, the petitioner challenged the order dated 19.09.2019 passed by the 4th respondent therein viz., the Sub-Divisional Magistrate, Gudalur, The Nilgiris in W.P.No.34082 of 2019 before this Court and the said writ petition was dismissed for non-prosecution by an order dated 22.01.2020. Therefore, the present writ petition itself has become infructuous.

3. Accordingly, this writ petition is dismissed as infructuous. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

dm

To

1. The Secretary to Government,
Revenue and Disaster Management Department,
Survey and Settlement Wing, (SS-I(1) Section)
Fort St.George, Chennai 600 009.
2. The Settlement Officer and District Revenue Officer
Gudalur Janmam Lands
Gudalur
The Nilgiris District.
3. The District Collector
Collectorate
Udhagamandalam
The Nilgiris.
4. The District Revenue Officer
Collectorate
Udhagamandalam
The Nilgiris.
5. The District Forest Officer
O/o. the District Forest Officer
Gudalur
The Nilgiris.



6. The Revenue Divisional Officer
O/o. the Revenue Divisional Officer
Gudalur
The Nilgiris.

7. The Assistant Divisional Engineer,
Highways Department, Gudalur,
The Nilgiris.

8. Forest Settlement Officer,
Gudalur, Nilgiris District,
Nilgiris.

Copy to

The Sub-Divisional Magistrate
Gudalur, The Nilgiris

+1 CC to The Government Pleader sr 7369.

W.P.No.26996 of 2019

PMK(CO)
SP(24/02/2022)