



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.28159 OF 2021

AND

W.M.P.NOS. 29765 AND 29766 OF 2021

1. Palaniammal

2. Valli

3. Manikannan

... Petitioners

-Vs-

1. The District Collector,
Salem District.

2. The District Revenue Officer,
Salem District.

3. The Revenue Divisional Officer,
Salem District.

4. The Thasildhar,
Sankari Taluk,
Erode District.

5. Lakshmi

6. Alagiri

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for records relating to proceedings dated 12.09.2018 passed by the third respondent in ந.க.273/2018(சு) quash the same and direct the third respondent to conduct fresh enquiry based on petitioner representation dated 20.12.2021 by giving opportunity to these petitioners herein within a time frame fixed by this Honble Court.



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For Petitioner : Mr.A.M.Amutha Ganesh

For R1 to R4 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for records relating to proceedings dated 12.09.2018 passed by the third respondent in ந.க.273/2018(சு) quash the same and direct the third respondent to conduct fresh enquiry based on petitioner representation dated 20.12.2021 by giving opportunity to these petitioners herein within a time frame fixed by this Honble Court.

2. Heard Mr.A.M.Amutha Ganesh, learned counsel appearing for the petitioners and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 to 4.

3. The present writ petition has been filed challenging the order passed by the third respondent. There is a specific proviso for appeal as against the order passed by the third respondent. When there is a specific appeal remedy, this Court cannot entertain this writ petition in Article 226 of Constitution of India.

4. Considering the above, the petitioners are at liberty to file an appeal before the second respondent as against the order impugned in this writ petition, within a period of two weeks from the date of receipt of a copy of this order.

5. The registry is directed to return the original impugned order in this writ petition to the petitioner forthwith. It is made clear that the petitioners are directed to file an appeal before the second respondent within a period of two weeks from the original impugned order from the registry of this Court.

6. On receipt of the same, the second respondent is directed to issue notice to the petitioners, fifth and sixth respondents and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law.



7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District.
2. The District Revenue Officer,
Salem District.
3. The Revenue Divisional Officer,
Salem District.
4. The Thasildhar,
Sankari Taluk,
Erode District.

Copy to:

The Section Officer,
E.R.Section,
High Court,
Madras.

+1cc to Mr.A.M.Amutha Ganesh & M.Selvam, Advocate, S.R.No.74

+1cc to the Government Pleader, S.R.No.630

W.P.No.28159 of 2021
& W.M.P.Nos. 29765 & 29766 of 2021

SS (CO)
PM/21/01/2022