



WEB COPY

W.P.No.31000 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31000 of 2019

- 1.Mageshwari
- 2.Venugopal
- 3.Mohan
- 4.Sivasakthi
- 5.Sathyamoorthy
- 6.Vijaykumar

... Petitioners

Vs.

- 1.The District Collector,
Collectorate,
Sathuvachari,
Vellore.
- 2.The Special Tahsildar,
ADW & Land Acquisition Officer,
Gudiyatham,
Vellore District.
- 3.The Block Development Office,
Gudiyatham,
Vellore District.
- 4.The Village Administrative Officer,
Kallapadi Village,
Gudiyatham Town and Taluk,
Vellore District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to dispossess petitioner from the property belonged to petitioner situated in S.No.251/2 to an extent of 5.5 Ares, in Kallapadi Village account, Gudiyatham Taluk, Vellore District till disposal of Writ Appeal No.742/2019, pending before this Hon'ble Court, challenging the notification issued by the 1st respondent dated 20.03.2003.

For Petitioners	: Mr.A.Gouthaman
For R1, R2 & R4	: Mr.R.Ramanlaal, Additional Advocate General assisted by Mr.T.Arunkumar, Additional Government Pleader
For R3	: No appearance

ORDER

The relief sought for in the present Writ Petition is to direct the respondents not to dispossess the petitioners from the property belonged to them, situated in S.No.251/2 to an extent of 5.5 Ares in Kallapadi Village account, Gudiyatham Taluk, Vellore District till the disposal of Writ Appeal in W.A.No.742/2019, pending before this Hon'ble Court, challenging the notification issued by the 1st respondent dated 20.03.2003.

2. The very relief sought for in the present Writ Petition is misconceived, since the petitioners seek an interim order in the main Writ



Petition subject to the disposal of the Writ Appeal in W.A.No.742 of 2019.

The petitioners have not challenged the acquisition proceedings and their Aunt had challenged the same and the said Writ Petition was dismissed. Consequently, the Writ Appeal was filed.

3. The learned counsel for the petitioners states that interim order of *status quo* was granted in the Writ Appeal and therefore, relief sought in the Writ Petition linking the Writ Appeal is untenable. Since the petitioners have not challenged the acquisition proceedings, which was completed long back, at this length of time, the relief, as such sought for not to dispossess the petitioner from the property cannot be considered at all. If at all any grievance exists with reference to compensation, the petitioners are at liberty to workout their remedy in the manner known to law.

4. With these clarifications, the Writ Petition stands dismissed.

No costs.

28.08.2023

skr

Index : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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