



W.A.No.4188 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

WEB COPY

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE C.KUMARAPPAN

W.A.No.4188 of 2019
and
C.M.P.No.26057 of 2019

The President
Vellancode Panchayat
Melpuram Panchayat Union,
Kanniyakumari District.

... Appellant

Vs.

1.E.Selvaraj

2.The Government of Tamil Nadu,
Rep. By the Secretary to the Government,
Rural Development Department,
Fort St. George,
Chennai – 600 009.

3.The Director of Rural Development
Panagal Buildings,
Saidapet,
Chennai – 600 015.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 25.11.2009 made in W.P.No.41210 of 2005.

For Appellant : Mr.M.Murali
Government Advocate



W.A.No.4188 of 2019

For Respondents : Mr.P.Manojkumar for R1
: Mr.R.Kumaravel
Addl. Govt. Pleader for R2 & R3

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This appeal has been directed against the order passed by the Writ Court dated 25.11.2009 made in W.P.No.41210 of 2005.

2. In fact, before the Writ Court there were four writ petitions i.e., W.P.Nos.41207, 41208, 41209 & 41210 of 2005. In all those writ petitions, the issue was the same and prayers were similar, thus all those writ petitions were clubbed together and were disposed by a common order of the Writ Court dated 25.11.2009.

3. Insofar as these four writ petitions are concerned since were allowed by the said order of the Writ Court dated 25.11.2009, as against the said common order, four writ appeals have been filed by the Government in W.A.Nos.1013 to 1016 of 2012.

4. Among the four appeals, W.A.No.1016 of 2012 arising out of the writ petition in W.P.No.41210 of 2005.



W.A.No.4188 of 2019

5. All the four appeals were heard together by a Division Bench of this Court and all those appeals were dismissed by a common order of the Coordinate Bench of this Court dated 11.08.2016, therefore the order passed by Writ Court dated 25.11.2009 has been confirmed.

6. While that being so, the 3rd respondent in W.P.No.41210 of 2005 who is the President of the concerned Village Vellancode Panchayat of Kanyakumari District preferred the present intra Court appeal against the order passed in W.P.No.41210 of 2005 i.e., the common judgment made by the Writ Court dated 25.11.2009.

7. Since the very judgment of the Writ Court dated 25.11.2009 has been confirmed by the Division Bench by order dated 11.08.2016 in respect of all the four writ petitions including W.P.No.41210 of 2005, the present appeal also has to face the same fate, hence the appeal is deserved to be dismissed, accordingly it is dismissed. However, there shall be no order as to costs. Connected miscellaneous petition is also dismissed.

[R.S.K., J.] [C.K., J.]

06.10.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No

Sgl



WEB COPY



W.A.No.4188 of 2019

R. SURESH KUMAR, J.
and
C.KUMARAPPAN, J.

Sgl

To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of Rural Development
Panagal Buildings,
Saidapet, Chennai – 600 015.

W.A.No.4188 of 2019

06.10.2023