



W.P.(MD)No.14891 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14891 of 2015

and

M.P(MD)No.1 of 2015

and

W.M.P(MD)No.14979 of 2016

A.Sathya

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
2. The Director of Panchayats,
Village Panchayat and Panchayatraj Department,
Panagal Building,
Chennai - 600 015.
- 3.The Assistant Director of Panchayats,
Village Panchayat and Panchayatraj Office,
Dindigul District.
- 4.Prakash
- 5.Subramani



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6.Sathiyamoorthy
(*R.4 to R.6 were impleaded vide
order of this Court dated 02.08.2023
in W.M.P(MD)No.15558 of 2023*)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS, to call for the records pertaining the order in Na.Ka.No.322/2014/A5 dated 26.12.2014 on the file of the first respondent and to quash the same as illegal, unjust, unconstitutional, without jurisdiction and directing the respondents to conduct proper enquiry by perusing the revenue records based on the petitioner's representations dated 14.02.2014, 09.10.2014 and 08.12.2014.

For Petitioner : Mr. S.A.Ajmalkhan

For Respondents : Mr. S.Shanmugavel
Additional Government Pleader
for R.1 to R.3

Mr.A.Abdul Kabur for R.4

Mr.R.Saravanakumar for R.5

Mr.D.Venkatesh for R.6

ORDER

Heard the learned counsel on either side.

2. The grievance of the petitioner is that the respondents have put up a commercial complex on the land assigned in her favour. Even



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before the respondents commenced construction, the petitioner had come to this Court. The petitioner challenged the order whereby the assignment was cancelled by filing W.P(MD)No.7261 of 2012. She obtained interim order in her favour. The petitioner's allegation was that in breach of the interim order, the construction activities proceeded. She therefore filed Cont.P(MD)No.83 of 2013. After hearing both the parties, the writ petition was dismissed and the Contempt Petition was also closed. Challenging the order passed by a learned single Judge on 08.04.2013, the petitioner filed W.A(MA)No.487 of 2013. The Hon'ble Division Bench vide order dated 20.08.2013 granted an interim order of status quo in M.P(MD)No.1 of 2013. The petitioner would claim that in defiance of the interim order of status quo passed by the Hon'ble Division Bench, the construction work was completed. In these circumstances, the petitioner wanted enquiry to be conducted by the first respondent. Since the representation did not yield any result, she filed W.P(MD)No.17212 of 2014. It was disposed of on 27.10.2014 with the direction to the first respondent to conduct enquiry. Pursuant to the said direction, enquiry was conducted and the first respondent passed order dated 26.12.2014 negating the petitioner's request. Challenging the same, the present writ petition came to be filed.



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3. After hearing both the parties, I am more than satisfied that the petitioner can have any cause of action only if she succeeds in W.A(MD)No.487 of 2013. At present the fact remains as on date her assignment order has been cancelled. The cancellation order is yet to be set aside. Therefore, the petitioner cannot have any complaint. The petitioner can very well canvas all her contentions in the pending Writ Appeal. The petitioner's rights would abide by the outcome of the Writ Appeal.

4. With these observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1. The District Collector,
Dindigul District,
Dindigul.



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2. The Director of Panchayats,
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3. The Assistant Director of Panchayats,
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Dindigul District.



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G.R.SWAMINATHAN,J.

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