



WEB COPY



W.A.No.586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.586 of 2024

1.R.Visalakshi

2.S.K.Krithika

.. Appellants

Vs

1.The District Collector,
Coimbatore.

2.The Revenue Divisional Officer
cum Sub Divisional Magistrate,
Coimbatore North,
Coimbatore.

3.Ramasamy Gounder

4.The Tahsildar,
Annoor Taluk Office,
Coimbatore District.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 30.1.2024 passed by the learned Single Judge in W.P.No.1893 of 2024.



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For the Appellants : Mr.K.J.Parthasarathy

For the Respondents : Mr.M.Habbeeb Rahman
Government Advocate
for respondents 1, 2 and 4

: Mr.A.Parthasarathy
for respondent No.3

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

By consent, the writ appeal is taken up for final disposal.

2. This writ appeal is directed against the order of the learned Single Judge dated 30.1.2024 passed in W.P.No.1893 of 2024.

3. Learned counsel for the private respondent submitted that the second appellant has preferred an appeal before the District Collector, Coimbatore, and the same was rejected vide order dated 15.3.2024. He has also placed on record the order of the District Collector. Learned counsel further submitted that, if really the second appellant is aggrieved by the said order, she has to take further course of action



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in the manner known to law.

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4. Refuting the said submission, learned counsel for the appellants submitted that the District Collector has not passed the said order in the capacity of an appellate authority and, therefore, the question of challenging the said order does not arise.

5. In reply, learned counsel for the private respondent submitted that when the District Collector has passed the above order as an appellate authority, the present writ appeal is not sustainable in the eye of law and he seeks for dismissal of the writ appeal.

6. At this juncture, learned counsel for the appellants fairly agreed that the matter may be remitted before the writ court by giving liberty to the appellants to amend the prayer in the writ petition by filing an amendment application. For that, learned counsel for the private respondent may not have any serious objection.

7. In view of the above, we set aside the impugned order of the learned Single Judge and remit the matter to the writ court. The



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appellants are given liberty to file an application to amend the prayer.

If any such application is filed, the same shall be decided by the writ court on merits and in accordance with law. The respondents are also given liberty to file their objection, if any, in the application for amendment.

8. The writ appeal is allowed in terms aforesaid. There shall be no order as to costs. Consequently, C.M.P.No.4114 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
26.09.2024

Index : Yes/No
NC : Yes/No
bbr

To

- 1.The District Collector,
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Coimbatore.
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THE HON'BLE ACTING CHIEF JUSTICE
AND
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