



W.P.No.35752 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.35752 of 2019

W.M.P.Nos.36657 & 36659 of 2019

T.Karuppapillai

...Petitioner

Vs

1.The District Collector
Villupuram District.
Now:
The District Collector,
Kallakurichi District.
Kallakurichi – 606 202.

2.The Tahsildar
Kallakurichi Taluk.
Kallakurichi

3.P.Ayyandurai

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned dated 28.09.2019 made in Na.Ka. A5 /13512 /2019 passed by the 1st respondent, quash the same and consequently forebear the respondents from interfering with petitioner's to property compromised in S.F.Nos.100/4A1, 4A2, 4B1, 4B2, 5A, 5B, 5C, 5D and 7B, Sadaiyampattu Village, Kallakurichi Taluk and District.



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For Petitioner : Mr.N.Manokaran
For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
(For R1 & R2)
Mr.B.R.Shankaralingam for R3

ORDER

The Writ Petition has been filed for the following reliefs:-

To call for the records relating to the impugned order dated 28.09.2019 made in Na.Ka.A5/13512/2019 passed by the 1st respondent, quash the same and consequently forebear the respondents from interfering with petitioner's right to property compromised in S.F.Nos.100/4A1, 4A2, 4B1, 4B2, 5A, 5B, 5C, 5D and 7B, Sadaiyampattu Village, Kallakurichi Taluk and District.

2.Heard the learned counsels on either side and perused the records. Mr.M.R.Gokul Krishnan, the learned Additional Government Pleader takes notice for R1 and R2.



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3. Without going into the merits of the case a perusal of the impugned order dated 28.09.2019 would clearly indicate that the order is passed without notice to the Writ Petitioner herein. The said impugned order came to be passed pursuant to the orders of this Court in W.P.No.6000 of 2019 which was a Writ Petition that was filed by the third respondent. While disposing of the same, this Court had made it clear that the said representation of the third respondent herein dated 05.02.2019 shall be considered and orders passed after hearing the third respondent and all interested parties if any. The petitioner herein has not been heard in this regard, more particularly when the subject property belongs to the petitioner. Therefore, the impugned order dated 28.09.2019 made in Na.Ka.A5/13512/2019 is set aside and the matter is remitted back to the first respondent for fresh consideration. At this juncture, Mr.Manokaran, the learned counsel for the petitioner would submit that the petitioner has already filed a comprehensive suit in O.S.No.122 of 2019 on the file of the learned First Additional District Munsif, Kallakurichi. The first respondent shall take note of the above while disposing of the representation of the third respondent.



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4. Accordingly, the Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

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