

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31993 of 2014

C.Subramani

... Petitioner

Vs

1. The District Collector,
Salem District, Salem

2. The Block Development Officer,
Nangavalli, Panchayat Union,
Mettur Taluk, Salem District

3. The Chairman,
Nangavalli Panchayat Union,
Nangavalli, Mettur Taluk,
Salem District

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 14.03.2014 in the light of the Judgment and decree made in O.S.No.140 of 2007, dated 01.03.2010 on the file of the District Munsif Court, Mettur within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents

: Mr.S.Gunasekaran

Government Advocate for R1

Mr.M.Digvijaypandian

Additional Government Pleader for R2 and R3

O R D E R

Heard Mr.K.S.Karthik Raja, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government advocate for first respondent and Mr.M.Digvijaypandian, learned Additional

Government Pleader for second and third respondents.

2. The petitioner seeks for issuance of Writ of Mandamus to direct the respondents, who are District Collector, Salem District, Block Development Officer, Nangavalli and Chairman of the Nangavalli Panchayat Union, Nangavalli to consider the representation of the petitioner in the light of the Judgment in O.S.No.147 of 2012 dated 01.03.2010 on the file of the District Munsif, Mettur.

3. The petitioner claims that the land in question belongs to his father and the petitioner's mother succeeded the property and it is a agricultural land. It is stated that the respondents 1 and 2 are attempting to lay road in the petitioner's land. Therefore, the petitioner filed a suit in O.S.No.140 of 2007 on the file of the District Munsif, Mettur for a Decree of Injunction and since the defendants namely, the President of the Sanarapatty Village Panchayat and the Block Development Officer, Nangavalli did not appear, exparte decree injunction has been obtained. Alleging that the respondents are trying to form a road in the petitioner's property, now, the petitioner has filed this Writ Petition seeking for a direction to consider the representation.

4.If the petitioner is armed with the Decree of the Civil Court, then it is always open to the petitioner to execute the decree and also to approach the trial court for appropriate police aid to protect his property, in this regard, no representation could be directed to be considered more particularly, when the petitioner himself states that the respondents are defendants in the suit. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

To

1. The District Collector,
Salem District, Salem
2. The Block Development Officer,
Nangavalli, Panchayat Union,
Mettur Taluk, Salem District
3. The Chairman,
Nangavalli Panchayat Union,
Nangavalli, Mettur Taluk,
Salem District

+1cc to Mr.M.Digvijaypandian, Advocate SR.No.7475

+1cc to Mr.K.S.Karthik Raja, Advocate SR.No.7840

1 CC to the Government Pleader SR NO 7663

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