

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.NO.22952 OF 2015

N.Srinivasan

.. Petitioner

vs.

1. The Revenue Divisional Officer,
Sankari,
Sankari District.

2. The Tahsildar,
Edappadi Taluk,
Edappadi,
Salem District

3. The Inspector of Police,
Edappadi Police Station,
Edappadi Taluk,
Salem District.

4.Nanjappan
5.G.Muthusamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to get necessary protection from the 3rd respondent conduct survey in S.Nos.346/1 to 346/5 and S.No.357/1E, Vettuvapatti, Vellarivalli Village, Edappadi Taluk, Salem District by considering the petitioner's representations dated 25.2.2015, 23.3.2015 and 14.5.2015.

For petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Vijayakumar,A.G.P.

ORDER

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

2. The petitioner claims that he alone is entitled to use the cart track, which starts from Nedungulam Main Road and runs through S.Nos.346/1 to 5 and S.No.357/1E, to reach his agricultural lands bearing S.F.No.336/2 and it was obstructed by respondents 4 and 5. He filed suit in O.S.No.109 of 2001 on the file of the District Munsif, Sankari, praying for permanent injunction. In the said suit, respondents 4 and 5 were set ex-parte and an ex-parte decree came to be passed on 18.12.2002. Respondents 4 and 5 filed an application for condonation of delay in filing the application to set aside the ex-parte decree and it was also dismissed on 2.12.2014 and the civil revision petition in CRP(NPD) No.1803 of 2005 was also dismissed by this Court on 26.11.2012 and the said order was not put to challenge. It is further stated by the petitioner that he has also approached the third respondent to survey the land and he was called upon to pay the necessary charges and he has also paid the same. Respondents 4 and 5, in spite of decreeing of the suit in favour of the petitioner, are continuously causing pinpricks. The petitioner has also submitted representations dated 25.2.2015 and 23.3.2015 and 14.5.2015 to measure the land and since he has not been favoured with any response, he came forward to file this writ petition.

3. Heard the submissions of Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representations dated 23.3.2015 and 14.5.2015 in accordance with law, after putting on notice respondents 4 and 5 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

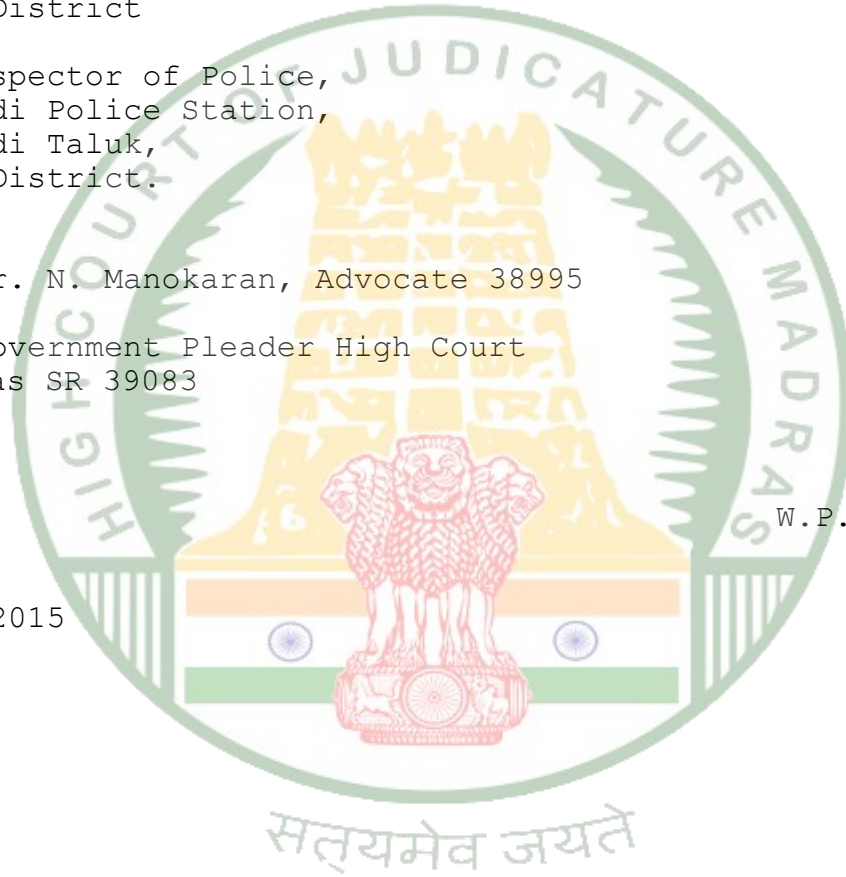
1. The Revenue Divisional Officer,
Sankari,
Sankari District.
2. The Tahsildar,
Edappadi Taluk,
Edappadi,
Salem District
3. The Inspector of Police,
Edappadi Police Station,
Edappadi Taluk,
Salem District.

+1cc to Mr. N. Manokaran, Advocate 38995

+1cc to Government Pleader High Court
Madras SR 39083

BVR (CO)
RS 14.08.2015

W.P.No.22952 of 2015



WEB COPY