

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.29753/2014 and MP.Nos.1&2/2014

Dhanapal @ Pachamuthu

..Petitioner

Versus

1.The Sub Collector/Revenue
Divisional Officer
Mettur Revenue Division,
Mettur Dam-1,
Salem District.

2.The Village Administrative Officer
Omalar Taluk, Salem District.

3.P.Muthusamy

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the petitioner representation dated 11.08.2014 within a time frame to be fixed by this Court.

For Petitioner :	Mr.S.Gunalan
For RR 1 & 2 :	Mr.D.Suriya Narayanan, GA
For R3 :	Mr.M.R.Jothimanian

ORDER

Heard Mr.S.Gunalan, learned counsel appearing for the petitioner ; Mr.D.Suriya Narayanan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.M.R.Jothimanian, learned counsel appearing for the 3rd respondent and perused the materials available on record.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider his representation dated 11.08.2014.

3.Admittedly, there was dispute between the petitioner and the 3rd respondent groups and proceedings were initiated by the 1st respondent/Revenue Divisional Officer, u/s.145 Cr.P.C. This was put

to challenge by the 3rd respondent in WP.No.28724/2013 and the said writ petition was partly allowed on 10.07.2014 with liberty to the 1st respondent to proceed as per law in the event of the breach of peace. The petitioner has now submitted a representation to the 1st respondent to open the temple stating that the proceedings u/s.145 Cr.P.C., has been quashed by this Court. As pointed out earlier, the writ petition was allowed in part and the order passed by the 1st respondent was quashed on technical grounds, giving liberty to the 1st respondent to proceed in the event of breach of peace, in accordance with law. As on date, there is no consensus between the parties and the temple has been locked with a grill gate. Further, it is seen that the 3rd respondent and 7 others have filed a suit in OS.No.179/2013 on the file of the Sub Court, Mettur, for decree of declaration and permanent injunction in which the petitioner herein is the 1st defendant apart from four other private parties as defendants 2 to 5 ; the District Collector as the 6th defendant ; the Revenue Divisional Officer, Mettur, as the 7th defendant ; the Tahsildar, Omalur as the 8th defendant. Further, the petitioner and two others have filed a suit in OS.No.15/2014 on the file of the Sub Court, Mettur and the photostat copy of the plaint shows that the plaint was presented on 20.01.2014. However, when this writ petition was filed in November 2014, the petitioner has not stated about the pendency of the suit filed by him and the petitioner has filed the present writ petition by suppressing the material fact.

4.In the light of the above, the question of directing the respondents to consider the petitioner's representation does not arise. Accordingly, the writ petition fails and the same is dismissed. No costs.

5.However, it is open to both the parties, viz., the petitioner group and the 3rd respondent and his group of persons to agitate their rights in the pending civil suits. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Sub Collector/Revenue Divisional Officer
Mettur Revenue Division, Mettur Dam-1,
Salem District.

2.The Village Administrative Officer
Omalur Taluk, Salem District.

+ 1 cc to M/s. S. Gunalan, Advocate SR.16807
+ 1 cc to Mr.M.R.Jothimanian, Advocate SR.16570
+ 1 cc Government Pleader Sr.16682

SR(CO)
EU 11.04.2015

WP.No.29753/2014



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