

In the High Court of Judicature at Madras

Dated: 14.9.2015

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29259 of 2012

S.Nataraj

.. Petitioner

vs.

1. The District Collector,
Kancheepuram Dist.
2. The Revenue Divisional Officer,
Kancheepuram Taluk & Dist.
3. The Tahsildar,
Kancheepuram Taluk.
4. The President,
Dhamal Village Panchayat,
Kancheepuram Taluk & Dist.
5. The Chief Educational Officer,
Kancheepuram Taluk & Dist.
6. Perumalsamy
7. Janarthanan
8. Kumar
9. Renu Reddiar
- 10.Nagaraj
- 11.Egambaram
- 12.Rajendiran

Respondents

[R6 to R12 impleaded as per order
dated 20.11.2012 in MP No.1of 2012]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to dispose of the representation dated 4.10.2012 within a time frame.

For petitioner	:	Mr.G.Thangavel
For respondents	:	Mr.R.Ravichandran, AGP for R1, R2, R3 & R5 Mr.P.Rajamanickam for R4, R6 to R12

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus, to direct the 1st respondent to dispose of the representation of the petitioner, dated 4.10.2012, with regard to the dispute that had arisen, in respect of the running of the School, situate at Survey No.1415/1A, Vandikaran Street, Ponnamanpatharai, Kancheepuram Taluk and District.

3. The learned counsel appearing on behalf of the petitioner had submitted that respondents 6 to 12 are helping the 4th respondent and disturbing the peaceful possession and enjoyment of the property in question, by the petitioner. Therefore, he had approached the Revenue Divisional Officer, Kancheepuram District, the 2nd respondent herein. The 2nd respondent had issued the proceedings, dated 13.6.2012, under Section 145 of the Criminal Procedure Code. The learned counsel had further submitted that the said order had not been implemented, till date. Hence, he had preferred a representation to the 1st respondent, for the implementation of the proceedings passed by the 2nd respondent herein.

4. The learned counsels appearing on behalf of the respondents had submitted that the petitioner had approached the District Munsif Court, Kancheepuram, by way of filing a civil Suit, in O.S.No.219 of 2012. He had also prayed for an order of interim injunction, in I.A.No.692 of 2012. The said Suit is pending disposal before the District Munsif Court, Kancheepuram. It had also been submitted that the petitioner had filed a First Information Report before B-4, Baluchettichathiram Police Station, Kancheepuram, which had been registered, as Crime No.466 of 2012. Hence, it had been contended that, as efficacious remedies are available to the petitioner, before the civil Court concerned, and as the case is being investigated by B-4, Baluchettichathiram Police Station, Kancheepuram, no further orders are necessary in the present Writ Petition.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, it is noted that the petitioner had filed a civil Suit, in O.S.No.219 of 2012, before the District Munsif Court, Kancheepuram, relating to the dispute, which had arisen in respect of the running of the School, in Survey No.1415/1A, Vandikaran Street, Ponnamanpatharai, Kancheepuram Taluk and District. It is also noted that the petitioner had preferred a First Information Report before B-4, Baluchettichathiram Police Station, Kancheepuram, which had been registered, as Crime No.466 of 2012, in respect of the said dispute.

6. In such circumstances, this Court is of the considered view that no further orders are necessary in the present Writ Petition. Hence, the Writ Petition stands dismissed. However, it goes without saying that it would be open to the petitioner to pursue the remedies available to him, if any, before the appropriate Civil forum, or before the authorities concerned, in the manner known to law. No costs.

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-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kancheepuram Dist.
2. The Revenue Divisional Officer,
Kancheepuram Taluk & Dist.
3. The Tahsildar,
Kancheepuram Taluk.
4. The Chief Educational Officer,
Kancheepuram Taluk & Dist.
5. The President,
Dhamal Village Panchayat,
Kancheepuram Taluk and District.

+ 1 cc to Mr.G.Thangavel, Advocate SR 49898

+ 1 cc to Govt.Pleader SR 50290

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