

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36657 of 2015

Rajaram Reddiar

.. Petitioner

Vs.

The Revenue Divisional Officer,
Chidambaram Taluk,
Cuddalore District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 05.10.2015.

For Petitioner : Mr.S.Vediappan

For Respondent : Mr.A.Kumar

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

2. This Writ Petition has been filed to direct the respondent to consider the representation of the petitioner dated 05.10.2015.

3. The case of the petitioner is that the petitioner purchased the properties in Survey No.74/2B to an extent of 1 acre 62 cents and in Survey No.75/11 to an extent of 35 cents in Erumbur Village, Chidambaram Taluk, Cuddalore District from one Mrs.Kalimabee in the year 1999 vide two registered sale deed document Nos.1130/99 and 1173/99. The petitioner is in possession of the property from the date of purchase and all revenue documents stands in the name of the petitioner. While so, the brother of the said Kalimebee, namely one Gousemeyan had instigated one Ramalinga Pathar, who denied the title of the petitioner and disturbed his possession stating that his paternal uncle was once a cultivating tenant in the land under the said Gousemeyan and after his death, he is in possession as cultivating tenant and gave trouble to the petitioner. Therefore, the petitioner filed a civil suit against the said Ramalinga Pathar and won the case which culminated upto second appeal before this Court in S.A.No.1434 of 2014 and the said appeal was decided in favour of the petitioner on 29.03.2012.

4. While so, one Gousmeyan had instigated the land grabbers namely Ramadass, Narayanasamy, Muthukumar, Ramesh and Giri, who are all native of the village and hatched a conspiracy to swindle the petitioner's property and executed a sale deed in favour of the said Ramadoss and trespassed into the property of the petitioner and took away the pump set, wire, and motor from the well. In this regard, the petitioner lodged a complaint before the police and later the police dropped the case due to the influence of the land grabbers. Aggrieved by the same, the petitioner filed a private complaint before the Judicial Magistrate No.1, Chidambaram and the case is pending trial in C.C.No.45 of 2014. While so, on 10.01.2015, on the instigation of the said Ramadoss one Santhose trespassed into the land of the petitioner by using a tractor and when one Rajaram tried to stop the tractor, the said Santhose threatened the said Rajaram with dire consequences. Therefore, the petitioner lodged a complaint before the Sethiyathope Police and the police also registered the complaint in C.S.R.No.9 of 2015 and conducted enquiry and later referred the matter to the respondent/RDO, Chidambaram under section 145 of the Criminal Procedure Code, to conduct proceedings as the dispute is likely to cause a breach of peace in the village. Even though the respondent had received the report, he had not initiated proceedings under section 145 of the Criminal Procedure Code. Thereafter, the petitioner also sent a representation to the respondent on 05.10.2015. But no action has been taken in this regard. Hence, the petitioner has come forward with the present Writ Petition.

5. Considering the submissions on either side, this Court directs the respondent to consider the representation of the petitioner dated 05.10.2015, after giving notice to all the necessary parties, and pass appropriate order on merits and in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

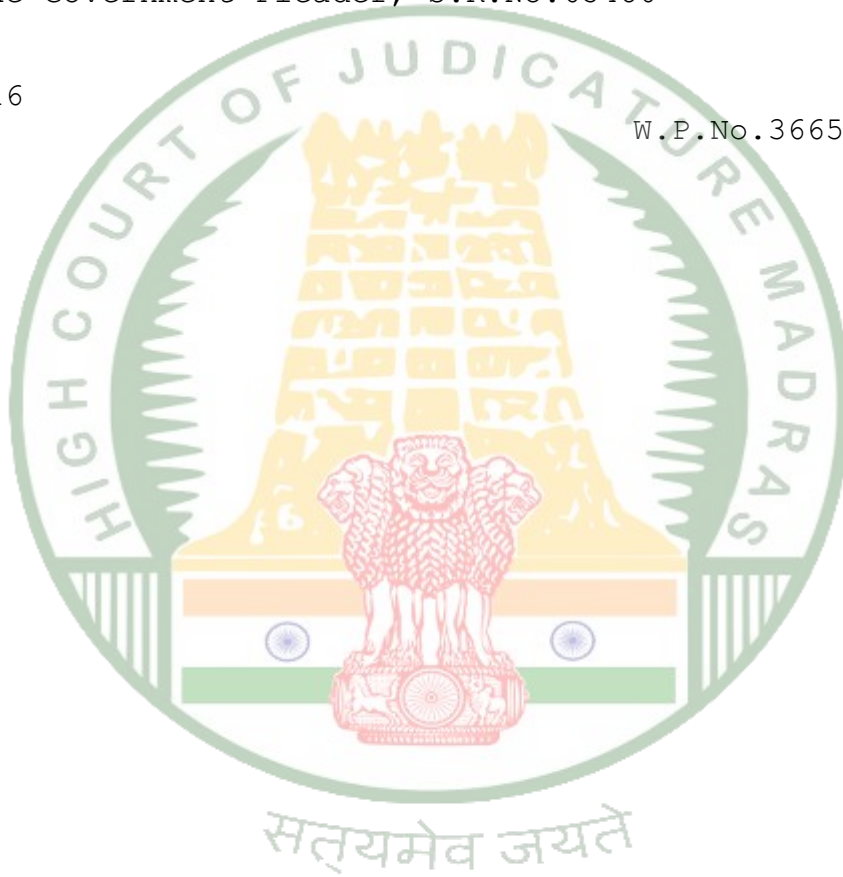
To

The Revenue Divisional Officer,
Chidambaram Taluk,
Cuddalore District.

+lcc to Mr.S. VEDIAPPAN, Advocate, S.R.No.65376
+lcc to the Government Pleader, S.R.No.65480

AR-V(CO)
Eu 16.12.16

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