

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24207/2016 & WMP.No.20682/2016

N.Vimala

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Petitioner

Versus

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The President
Mambakkam Village
Tiruporur Panchayat Union
Chengalpet Taluk.
- 3.The District Registrar
South Chennai District,
Jennis Road, Saidapet,
Chennai 600 015.
- 4.The Sub Registrar
Guduvancherry SRO
Guduvancherry, Pin-6030202.
- 5.M/s.Value Garden
rep.by R.Machi Naidu
Vanavil Estate, No.20,
Duraishwamy Reddy Street
Tambaram, Chennai 600045.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent to consider the petitioner representation dated 12.04.2016 and as a consequential relief and not to entertain direction directing the 3rd respondent from entertaining from any kind of sale deed or conveyance from the 4th respondent and their representatives pertaining to Survey No.130, 130/1A1B1C1D1E, Mambakkam Village, Chengalpattu Taluk.

For Petitioner : Mr.T.Ramachandran
For R1 to R4 : Mr.V.S.Ramesh,
Government Advocate

ORDER

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

2 The facts leading to this case has been narrated in detail in the final order dated 18.02.2014 in WP.No.32612/2012 filed by the petitioner against the District Collector, Kancheepuram, the Block Development Officer, Thiruporur Panchayat Union, Chengalpet Taluk and the President, Mambakkam Village [the 2nd respondent herein] and therefore, it is not necessary to state the facts once again.

3 The grievance expressed by the petitioner is that despite the subsistence of the interim order in OS.No.376/2012 on the file of the Court of District Munsif, Chengalpet, the 5th respondent is proceeding to dispose of the land and in this regard, she has submitted a representation dated 12.04.2016 requesting the 3rd respondent to consider and pass orders and not to entertain any Sale Deed with regard to the lands in S.Nos.130, 130/1A1B1C1D1E, at Mambakkam Village, Chengalpet Taluk and since it has not been given disposal, she came forward to file the present writ petition.

4 Heard the learned counsel for the petitioner and Mr.V.S.Ramesh, learned Government Advocate who accepts notice on behalf of the respondents.

5 It is well settled position of law that the Statutory authority cannot be restrained from exercising his statutory powers. Even according to the petitioner, despite the subsistence of the interim order of injunction in OS.No.376/2012, steps are being taken to alienate the property in question. It is always open to the petitioner to work out his remedy, if any, before the said Forum in which the suit is pending.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in her representation, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 12.04.2016 on merits and in accordance with law, after putting on notice, the 5th respondent herein and pass orders within a period of ten

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

7 The writ petition is disposed of with the above direction and observation. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The President
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Tiruporur Panchayat Union
Chengalpet Taluk.
- 3.The District Registrar
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- 4.The Sub Registrar
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Guduvancherry, Pin-6030202.

+1 cc to Mr.T.Ramachandran Advocate sr.39799

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W.P.No.24207/2016

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