



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.15724 of 2016

Anandanayaki

... Petitioner

-vs-

1. The District Collector,
Thanjavur, Thanjavur District.
2. The Superintendent of Police,
Thanjavur, Thanjavur District.
3. The Tahsildar,
Thanjavur, Thanjavur District.
4. The Inspector of Police,
Taluk Police Station,
Thanjavur District.

... Respondents

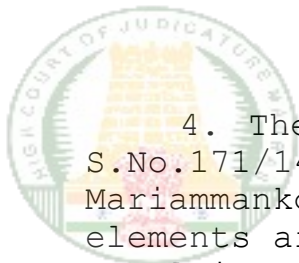
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.08.2016 to implement the order passed by the Revenue Divisional Officer, Thanjavur in proceedings No.Pa.Mu.2662/A3/(MC)4/2015 dated 28.12.2015.

For Petitioner : Mr.G.Mathavan
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.08.2016 to implement the order passed by the Revenue Divisional Officer, Thanjavur in proceedings No.Pa.Mu.2662/A3/(MC)4/2015 dated 28.12.2015.

2. Mr.D.Muruganandam, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



4. The case of the petitioner is that she owns a property in S.No.171/14 to an extent of 11½ cents situated in Punnainallur Mariammankovil Village, Thanjavur District; that some social elements are trying to grab her property, which forced her to file a complaint as well as a petition before the Revenue Authorities; that after thorough enquiry of her petition and the petition of her counter part, by the Revenue Divisional Officer (RDO), the issue finally ended in favour of the petitioner, which was also confirmed by the District Revenue Officer, Thanjavur.

4.1. Thereafter, the 4th respondent filed a petition under Section 145(1) Cr.P.C. before the RDO on 17.04.2015 and the same was taken on file in No.Pa.Mu.2662/A3/(MC)4/2015 and after an elaborate enquiry and on the basis of the document, the said petition was also allowed in favour of the petitioner on 28.12.2015.

4.2. The petitioner has submitted that under the provisions of Section 145(1) Cr.P.C., the RDO has the legal power to decide the possession and to restore a person, evicted from the disputed property under force; that the RDO passed an order in her favour and directed the respondents 2 to 4 to restore her possession in the property with further direction to maintain status-quo till the disposal of the suit in O.S.No.162 of 2015 pending on the file of the District Munsif-Court-Thanjavur; on 05.07.2016, the petitioner gave a representation to the 2nd respondent to implement the order of the RDO, Thanjavur District passed in No.Pa.Mu.2662/A3/(MC)4/2015 and though the same was also numbered as G3/23439/2016 and was forwarded to the 4th respondent, no action has been taken thereon for implementation of the order of the RDO till now and therefore, the petitioner is before this Court with the relief stated supra.

5. The learned Additional Government Pleader for the respondents would submit that the representation of the petitioner dated 08.08.2016 will be considered and suitable orders will be passed thereon.

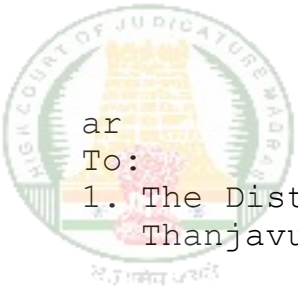
6. Once a representation has been received by the respondents, it is their bounden duty to decide the same and communicate the outcome to the person concerned. Therefore, the respondents are directed to consider the representation of the petitioner dated 08.08.2016 and pass appropriate orders thereon on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/



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To:

1. The District Collector,
Thanjavur, Thanjavur District.

2. The Superintendent of Police,
Thanjavur, Thanjavur District.

3. The Tahsildar,
Thanjavur, Thanjavur District.

4. The Inspector of Police,
Taluk Police Station,
Thanjavur District.

+1 cc to Mr.M.MATHAVAN ,Advocate, Sr.No: 48369

+1cc to M/S Special Government Pleader, Sr No. 48123

JAM/SS 3/SAR AE/20.09.16/ 3P-7C

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