

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.32039 of 2017

G.Paulraj

..Petitioner

vs.

The Tahsildhar,
Perundurai Taluk,
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose of the representation of the petitioner dated 18.10.2017 within the time stipulated by this Court.

For Petitioner : Mr.E.P.Senniayangiri

For Respondent : Mrr.P.Senthilvel, Government Advocate

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a direction to the respondent to consider his representation dated 18.10.2017, wherein and whereby he sought for classification of land in S.F.No.713/3, Pallapalayam Village.

3. Heard both sides.

4. It is seen from his own representation that the petitioner has already approached the Civil Court and obtained a decree in O.S.No.131/2011 on the file of the District Munsif Court, Perundurai, for a mandatory injunction to cancel the classification of re-survey No.713/3 of Pallipalayam Village as "Nilaviyal Vandipaathai" and classify the same as agricultural land of the Plaintiff. It is also seen from the said decree granted by the Civil Court that two months time was granted to the defendants therein who are the District Collector, District Survey Officer and Tahsildar. If the said decree for mandatory injunction has not been honoured by the those defendants, it is for the petitioner to approach the Civil Court which granted the decree by filing an application and seek for execution of such decree. Without doing so, the present writ petition filed, in my considered view, is not maintainable, as the petitioner is

having remedy under the Civil Procedure Code itself, provided the said decree has become final and conclusive. Therefore, by granting such liberty to the petitioner, this Writ Petition is disposed of as not maintainable. No costs.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

vsi

To

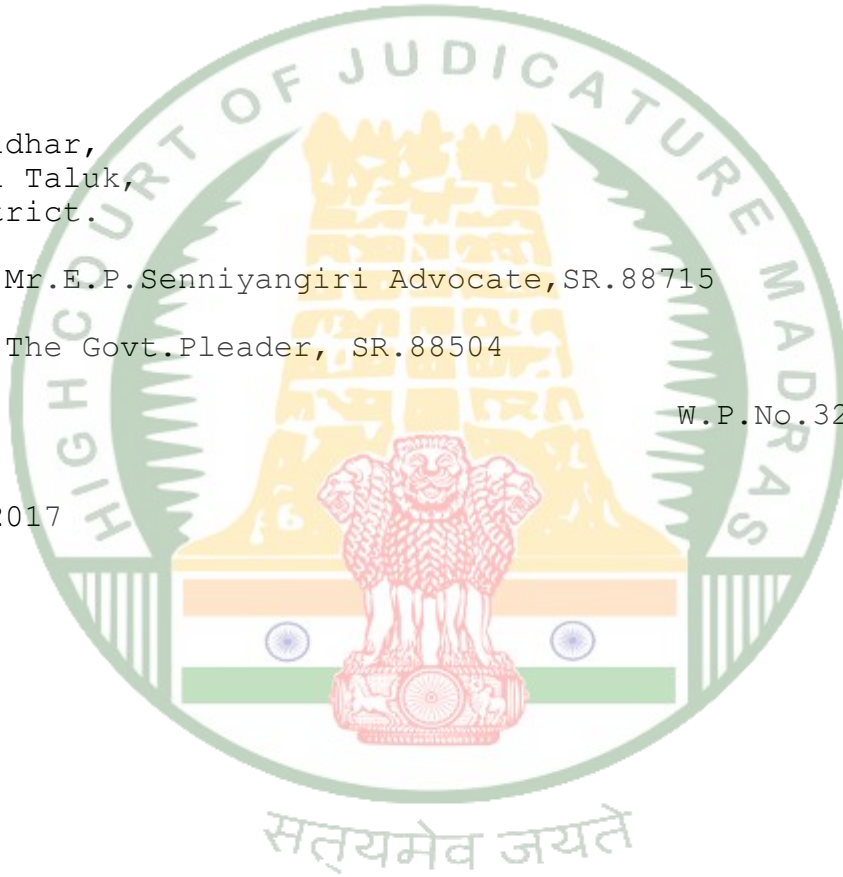
The Tahsildhar,
Perundurai Taluk,
Erode District.

+ 1 cc to Mr.E.P.Senniyangiri Advocate,SR.88715

+ 1 cc to The Govt.Pleader, SR.88504

W.P.No.32039 of 2017

RK(CO)
NR 22/12/2017



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