

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM

The HONOURABLE MR. JUSTICE M.DURAISWAMY

W.P.No.21270 of 2013

1.S.Panneerselvam
2.S.Lingamoorthy

... Petitioners

Vs

1.The Tahsildar,
Katpadi Taluk Office, Katpadi.

2.Kala
3.Naga
4.Anandhi
5.Arulmozhi
6.Selvi
7.Selvam
8.Selvakumar

... Respondents

(R2 to R8 impleaded vide order dated 15.09.2017 made in
W.M.P.No.1500 of 2017 in W.P.No.21270 of 2013)

Writ Petition filed under Article 226 of the Constitution
of India praying for the issuance of a writ of mandamus
directing the respondent to consider the representation of the
petitioner dated 31.05.2013 and dispose of the same on merits.

For Petitioners : Mr.P.Chandrasekar

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader (R1)

Mr.V.Karthikeyan (R2 to R8)

O R D E R

The petitioners have filed the above writ petition to issue
a writ of mandamus directing the 1st respondent to consider the
petitioner's representation dated 31.05.2013 and dispose of the
same in accordance with law.

2.The learned counsel appearing for the petitioners submitted that though the petitioners have given the representation as early as on 31.05.2013, the 1st respondent has not passed any order so far.

3.Mr.V.Karthikeyan, learned counsel appearing for the respondents 2 to 8 submitted that the petitioners have filed a suit in O.S.No.118 of 2013 on the file of the District Munsif Court, Katpadi for permanent injunction and that the trial Court by its judgment and decree dated 29.06.2015 dismissed the suit. Aggrieved over the same, the petitioners have also filed an appeal in A.S.No.48 of 2015 on the file of the Subordinate Court, Vellore, which was also dismissed by the Lower Appellate Court. The judgment and decree passed in A.S.No.48 of 2015 has become final. In these circumstances, the learned counsel submitted that the petitioners have no right to claim the relief from the 1st respondent.

4.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the 1st respondent submitted that the 1st respondent may be directed to consider the petitioner's representation dated 31.05.2013 in accordance with law, after giving notice to all the interested parties within a period of four weeks.

5.Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioner's representation dated 31.05.2013 and pass orders, after giving notice to all the interested parties and also taking into consideration the dismissal of the suit in O.S.No.118 of 2013 and the dismissal of the appeal in A.S.No.48 of 2015, within a period of four weeks from the date of receipt of a copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

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Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

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To

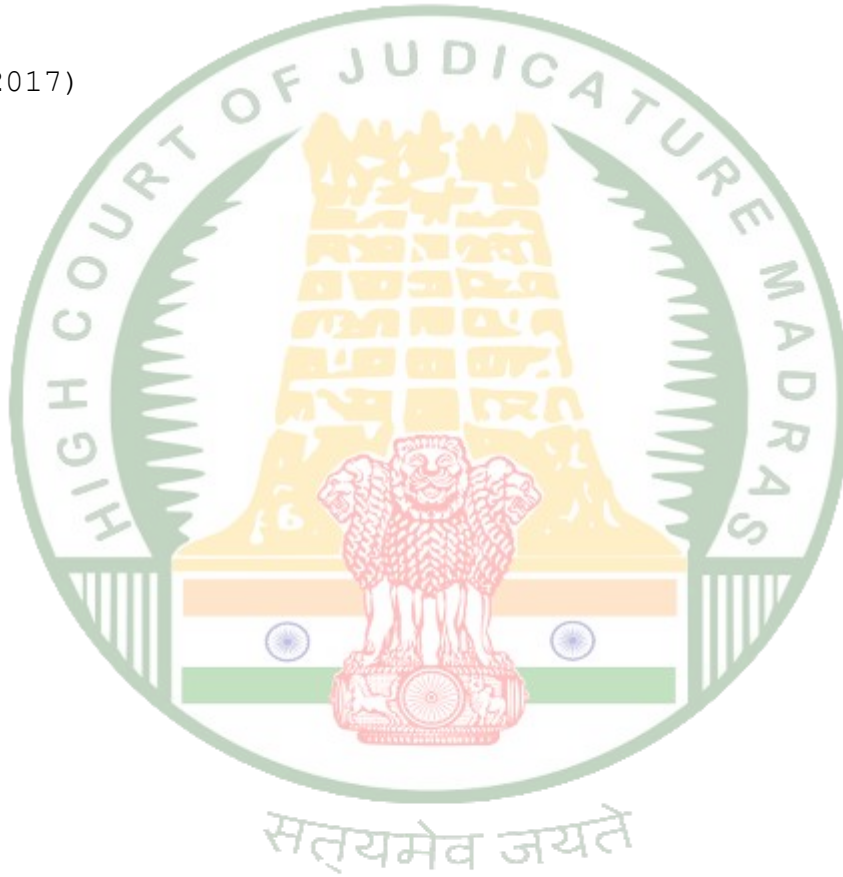
1. The Tahsildar,
Katpadi Taluk Office, Katpadi.

+1cc to Mr.P.Chandrasekar, Advocate Sr. 67906

+1cc to M/S.V.Karthikeyan, Advocate Sr. 67640

W.P.No.21270 of 2013

KJI (CO)
VR(22/09/2017)



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