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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2017
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.24719 of 2016
and
W.M.P(MD)No.17822 of 2016

K.Patchaiperalum

.. Petitioner

vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
cum Sub-Divisional Magistrate,
Kovilpatti Sub-Division,
Kovilpatti,
Tuticorin District.
- 3.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.
- 4.The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.

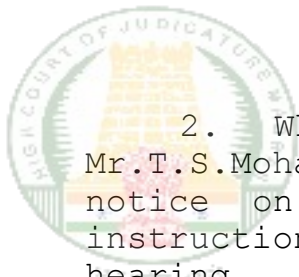
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the first respondent to give suitable direction to the third and fourth respondents to remove the seal to the petitioner's bore well room situated at Revenue Survey No.68-3A of Ottapidaram Village, Tuticorin District based on his representation dated 19.12.2016 and consequently, direct the respondents not to disturb the petitioner without due process of law.

For Petitioner : Mr.S.Muthalraj
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

This writ petition is filed seeking for a Mandamus directing the first respondent to give suitable direction to the third and fourth respondents to remove the seal to the petitioner's bore-well situated at Revenue Survey No.68-3A of Ottapidaram Village, Tuticorin District, by considering his representation dated 19.12.2016.



2. When this matter is taken up for admission on 22.12.2016, Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader took notice on behalf of the respondents and sought time to get instructions. Accordingly, the matter is listed today for further hearing.

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3. The grievance of the petitioner is that the subject matter bore-well room was sealed by the official respondents without issuing any notice to the petitioner.

4. On the contra, the learned Additional Government Pleader invited this Court's attention to the order made by this Court in CrI.R.C(MD)No.135 of 2013 etc., dated 16.02.2015, dismissing the revisions filed thereunder challenging the proceedings initiated by the Revenue Divisional Officer under Section 133 of Cr.P.C., as against the very same bore-wells and other bore-wells of the similarly situated persons.

5. It is seen that the said proceedings under Section 133 of Cr.P.C was initiated by the Revenue Divisional Officer and the petitioner has challenged the same by filing the above in CrI.RC(MD) No.135 of 2013 and failed to succeed in his attempt before this Court. In the result, the very revision along with other revisions filed by the parties including the petitioner got dismissed. While dismissing the revision, the learned Judge has categorically observed at penultimate paragraph that the law enforcing authorities have to act strictly in accordance with law, if they come across any violation regarding any ground water exploitation.

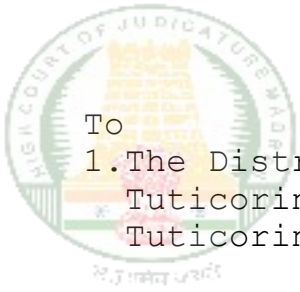
6. When such being the order passed by this Court, the petitioner has chosen to file the present writ petition suppressing the above filing of Cr.R.C(MD)No.135 of 2013 and the order made thereunder on 16.02.2015.

7. I consider the attempt of the petitioner is nothing but an abuse of process of Court. Therefore, I find that this writ petition has to be dismissed with cost.

8. Accordingly, this Writ Petition is dismissed. The petitioner is directed to pay a cost of Rs.15,000/- (Rupees fifteen thousand only) to the Legal Aid Services Authority of this Court, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(AE)

/True Copy/



To

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
cum Sub-Divisional Magistrate,
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Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

4.The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.

5.The Deputy Registrar(Lok & Adalath)
Legal Aid Service Authority,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.MuthalRaj Advocate Sr.No. 947

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 1160

skn

AE/RR-BS/06.03.2017/3p/8c

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