

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE A.SELVAM

W.P. No.7416 of 2018

M.Jegadeesan

.. Petitioner

-vs-

1. The District Collector,  
Office of the District Collector,  
Salem - 636 001.
2. The Sub Collector,  
Mettur Sub Division,  
Sub Collector Office - Mettur,  
Mettur (Po) & (Tk)  
Salem (Dt) - 636 401.
3. The District Revenue Officer,  
Salem, Office of the DRO-Salem,  
District Collectorate-Salem,  
Salem (Dt) - 636 001.
4. The Assistant Director,  
Town Panchayat's Salem Zone,  
Salem Zone Town Panchayat's  
AD Office, District Collectorate  
Salem, Salem 636 001.
5. The Block Development Officer,  
O/o. The BDO-Omalur,  
Omalur Taluk, Salem District 636 455.
6. The Tahsildar,  
Omalur Taluk,  
Salem District 636 455.
7. The Executive Officer,  
Omalur Town Panchayats,  
Omalur Taluk,  
Salem District 636 455.

8. Village Administrative Officer,  
Kottamettupatty Revenue Village,  
VAO office, Kottamettupatty  
Omalar (Po) & (Tk)  
Salem (Dt) 636 455.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct 3 to 6 respondents to consider the petitioner's representation dated 21.12.2017 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.C.Girisbabu

For Respondents : Mr.T.N.Rajagopalan  
Govt. Pleader.

#### O R D E R

(Order of the Court was made by A.Selvam, J.)

This writ petition has been filed under Article 226 of the Constitution of India praying to direct respondents 3 to 6 to dispose of the representation dated 21.12.2017 alleged to have been given by the petitioner.

2.The learned counsel appearing for the petitioner has contended to the effect that on 21.12.2017, a representation has been given with regard to common pathway to respondents 3 to 6, but, so far, the same has not been disposed of. Under such circumstances, the present writ petition was filed for getting the relief as stated therein.

3.Mr.T.N.Rajagopalan, learned Government Pleader, is taking notice on behalf of all the respondents and has represented to the effect that Survey No.42/1B has been classified as a temple property and no common pathway is in existence. Under such circumstances, the claim of the petitioner is not bona fide and therefore, the present writ petition deserves to be dismissed.

4.Considering the divergent submissions made on either side, it is seen from the records that on 21.12.2017, a representation has been given by the petitioner whereby it has been clinchingly said to the effect that a common pathway is in existence. The only defence taken on the side of the respondents is that Survey No.42/1B has been classified as a temple property.

5. For considering the divergent submissions made on either side, sufficient records are not available. Under such circumstances, this Court is of the view to direct respondents 3 to 6 to dispose of the representation dated 21.12.2017, as indicated infra.

6. In fine, the writ petition is allowed without costs and respondents 3 to 6 are strictly directed to dispose of the representation dated 21.12.2017 alleged to have been given by the petitioner within a period of one month, after giving proper opportunities to all the persons concerned.

s/d-  
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

sra

To

1. The District Collector,  
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Salem - 636 001.
2. The Sub Collector,  
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Office - Mettur, Mettur (Po) & (Tk),  
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3. The District Revenue Officer,  
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6. The Tahsildar,  
Omalur Taluk,  
Salem District 636 455.

7.The Executive Officer,  
Omalur Town Panchayats,  
Omalur Taluk,  
Salem District 636 455.

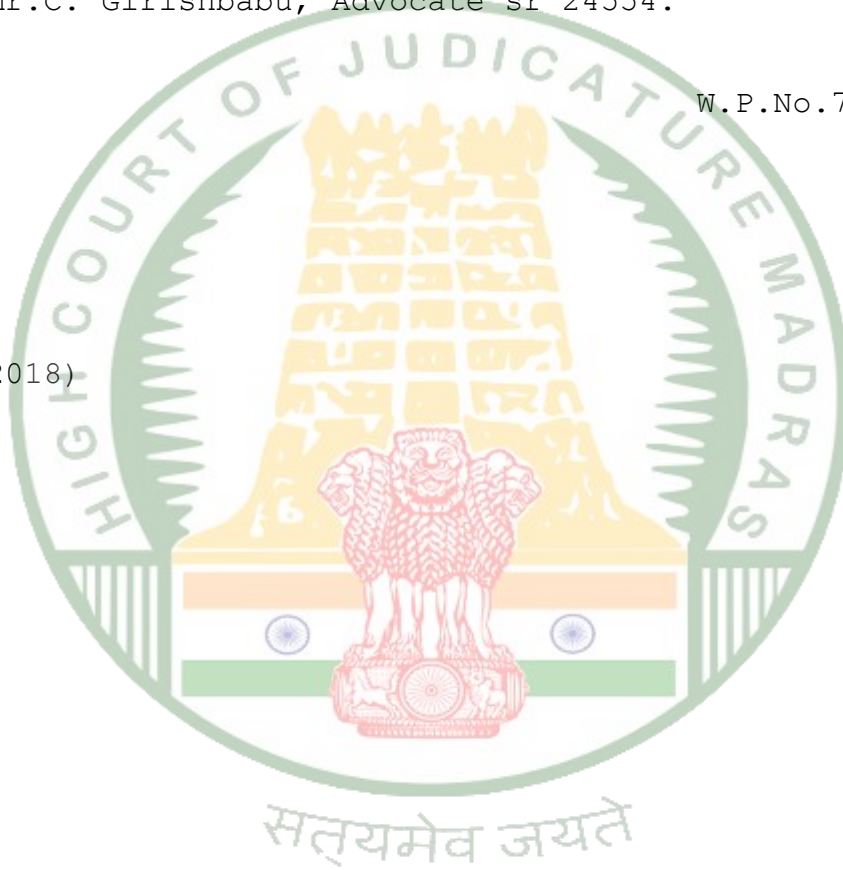
8.Village Administrative Officer,  
Kottamettupatty Revenue Village,  
VAO office, Kottamettupatty  
Omalur (Po) & (Tk)  
Salem (Dt) 636 455.

+1 CC to Govt. Pleader sr 24343.

+1 CC to Mr.C. Girishbabu, Advocate sr 24554.

W.P.No.7416 of 2018

SKV (CO)  
SP (16/04/2018)



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