

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13985 of 2018

1. Alamelu
Wife of Athiyappa Gounder
2. Jayalakshmi
Wife of Seerangan

.. Petitioners

vs

1. The District Revenue Officer
Collectorate
Namakkal
2. Periyasamy
Son of Angamuthu Gounder
3. K.Palanivel
4. P.Thilagavathi
5. M/s Essar Oil Limited
rep.by its Territory Sales Manager
5th Floor, Essar House
No.7, Esplanade
Chennai 600 018

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioners dated 29.01.2018 and pass orders thereon by cancelling the N.O.C., within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Saravanan

For Respondents: Mrs.K.Bhuvaneswari
Addl. Government Pleader for R1

ORDER

This writ petition has been filed seeking a mandamus directing the first respondent to consider the representation of

the petitioners dated 29.1.2018 to reconsider or withdraw or cancel the No Objection Certificate granted to store class 'A' petroleum and class 'B' petroleum in tanks to M/s Essar Oil Limited at Survey No.7/4, Ariyagoundampatty Village, Rasipuram Taluk, Namakkal District.

2. It is not known how the petitioners have been advised to come to this Court when the writ petition is not maintainable. It is the admitted case of the petitioners that when O.S.No.13 of 2011 was filed on the file of Sub Court, Rasipuram by their mother seeking a decree for partition and separate possession against the petitioners, their sister and their brother, the said suit was partly decreed on 2.2.2013 granting 1/6th share to the plaintiff and the defendants. However, the petitioners filed I.A.No.178 of 2013 for passing a final decree and that was also allowed. In the meanwhile, the mother of the petitioners died on 3.7.2016, as a result the shares of the children of Angumuthu Gounder got enlarged to 1/5th share and now the petitioners have filed an application to modify the final decree passed in view of the enlargement of shares. Meanwhile the petitioners' brother also filed I.A.No.140 of 2014 in O.S.No.13 of 2011 to condone the delay of 414 days in filing the application to set aside the ex parte decree and the said application was dismissed. As against the said order, C.R.P.No.4577 of 2017 was filed, in which it is stated that an interim order has been granted and the matter is pending. When the civil revision petition is also pending for consideration, this Court is not inclined to entertain the writ petition, as the petitioners have to work out their remedy in the manner known to law before the civil Court. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ss
To

1. The District Revenue Officer
Collectorate
Namakkal

+1cc to Mr.S.Saravanan, Advocate, sr.36698

+1cc to Government Pleader, sr.37004

W.P.No.13985 of 2018

GSP (22/06/2018)