



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.P.(MD).No.22002 of 2017

Ganesan @ Sandru

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Block Development Officer/Special Officer,
Thondi Town Panchayat,
Thondi,
Ramanathapuram District.

4.The Inspector of Police,
Thondi,
Ramanathapuram District.

5.P.Nagavel

R5 is impleaded vide Court order
dated 01.02.2018 in
W.M.P.(MD).No.1294 of 2018)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 21.11.2017 seeking to stop the illegal construction in S.No.55/2A3 (old S.No.55/2), Thondi Pudhukudi Village, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner

: Mr.R.J.Karthick

For Respondents 1 to 4

: Mr.S.Dhayalan
Government Advocate

For 5th Respondent

: Mr.A.Saravanan

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned counsel appearing for the respondents 1 to 4 and Mr.A.Saravanan, learned counsel appearing for the fifth respondent.

2. This writ petition has been filed by the petitioner for issuance of a writ of mandamus to consider his representation dated 21.11.2017 wherein there is a allegation that the fifth respondent illegally constructing a lane kept open for the use of all the fishermen in the village. Though there was an allegation against the fifth respondent, he was not impleaded as a party in the writ petition. Then, the fifth respondent, filed the impleading petition and got himself impleaded on 01.02.2018. On being impleaded, the fifth respondent has placed all the facts before this Court. The facts stated in the counter affidavit as well as the documents annexed in the writ petition, we find that the petitioner is guilty for suppression of material facts that the petitioner has not disclosed the pendency of a criminal case, which was registered against him. From the facts placed before us, we find that a criminal case registered in FIR No.228 of 2018 against the writ petitioner at the instance of the fifth respondent has not been disclosed.

3. Further, it is seen that one of the co-accused along with the petitioner in Crime No.228 of 2018 was one of the plaintiffs in O.S. No.63 of 2016 filed before the District Munsif Court, Thiruvadanai. The said suit has been filed in a representative capacity. It is deemed that the petitioner has knowledge of the proceedings. Above all, the patta in respect of the property still stands in the name of one Chellakannu. The fifth respondent is stated to have purchased a small extent from the legal heir of Chellakannu. The suit filed in representative capacity in O.S No. 63 of 2016 is now pending before the District Munsif Court, Thiruvadanai. The fifth respondent has filed another suit in O.S.140 of 2017 on the file of the Sub Court, Ramanathapuram. The fifth respondent has filed O.S.No.140 of 2017 before the Sub Court, Ramanathapuram in which the writ petitioner has been impleaded as the fifth defendant when the plaint was presented on 30.11.2017.

4. The writ petition was filed somewhere during November 2017 and there is every possibility that the petitioner having served with the notice in the suit. Though O.S.No.140 of 2017 has been pending before the Sub Court, Ramanathapuram filed by the legal heir of Chellakannu, there are serious civil disputes between the parties and the question of entertaining the writ petition and granting the relief sought for by the petitioner does not arise. This writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar



To:

1. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
3. The Block Development Officer/Special Officer,
Thondi Town Panchayat,
Thondi,
Ramanathapuram District.
4. The Inspector of Police,
Thondi,
Ramanathapuram District.

+One cc to M/s.R.J.Karthick, Advocate, SR.No.49891

+One cc to M/s.A.Saravanan, Advocate, SR.no.49999

vsg/cm

RL/7C/3P/SV/MMS/SAR4/12/3/2018

W.P. (MD) .No.22002 of 2017

20.02.2018