



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.18045 of 2013

Mothilal Nehru

... Petitioner

Vs.

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

2.A.R.Sadasivam

... Respondents

PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate action on the basis of the petitioner's representation dated 10.04.2013 within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Deenadhayalan

For Respondent No.1 : Mr.R.Pandiarajan
Additional Government Pleader

For Respondent No.2 : No Appearance

O R D E R

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

Heard Mr.S.Deenadhayalan, the learned counsel appearing for the petitioner and Mr.R.Pandiarajan, the learned Additional Government Pleader for the first respondent. Though notice was served on the second respondent and his name was printed in the cause list, none appears for him.



2.The petitioner's case is that the second respondent has blocked the path way to his property and irrigation channel which is used to irrigate the lands in Survey No.1745/A1A. The second respondent filed a suit against the petitioner in O.S.No.107 of 2004, on the file of the Principal District Munsif, Karur, and it appears that the suit was partly decreed. As against which the petitioner had preferred A.S.No.24 of 2006, on the file of the learned District Judge, Karur, which was allowed and the decree passed by the Trial Court was set aside. The second respondent filed S.A.(MD)No.737 of 2007 which was dismissed as withdrawn vide order dated 01.07.2011. Now the petitioner seeks for a direction upon the first respondent to remove the encroachments in the pathway and the irrigation channel.

3.We find that the representation given by the petitioner dated 19.04.2013 is bereft of particulars and it is not clear as to what is the effect of decree passed by the Civil Court. Therefore, we direct the petitioner to submit a detailed representation enclosing the copies of the decree passed in the civil proceedings, i.e., more particularly judgment passed in A.S.No.24 of 2006 and if such representation is given to the first respondent, he shall receive the same and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of such representation.

4.With the above direction, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Revenue Divisional Officer,
Karur District, Karur.

+One cc to M/s.Deenadhayalan, Advocate, SR.No.48404
+One cc to The Special Government Pleader, SR.No.49029

mrn/rmk

RL/4C/2P/KK/SAR4/28/2/2018

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