

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO.6671 OF 2011

Vijaya

.. Petitioner

- Vs -

1. The District Collector
Namakkal District, Namakkal.

2. The Tahsildar
Rasipuram, Namakkal District.

3. The Executive Officer
Selection Grade Panchayat
Namagiripet, Rasipuram Tk
Namakkal District.

4. Jothilingam

5. Sampoornam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 3rd respondent herein to dispose of the petitioner's representation dated 19.8.2010 within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr. T.Dhanyakumar

For Respondents: Mr. J.Ramesh, AGP, for RR-1 & 2
Mr. P.S.Sivashanmugasundaram for R-3
Mr. P.Mathivanan for RR-4 & 5

ORDER

This writ petition has been filed for a direction to the 3rd respondent to dispose of the petitioner's representation dated 19.8.2010 within a reasonable time frame to be fixed by this Court.

2. During the course of hearing, learned counsel for the respondents submit that the petitioner's father-in-law has filed civil suit in O.S. No.187/2010 before the District Munsif, Rasipuram, seeking injunction restraining respondents 4 and 5

from encroaching upon the petitioner's property. When such a suit has been laid by the petitioner, this Court is unable to appreciate as to how the present writ petition could be entertained seeking almost the same relief as sought for by the petitioner's father-in-law in the abovementioned suit.

3. Even otherwise, this Court is unable to appreciate as to how the petitioner could seek issuance of such a mandamus when there is no right vested in her for seeking such a direction from this Court. In any case, if the petitioner has any property dispute between her and respondents 4 and 5, it is always open to her to approach the appropriate civil court and get her grievance redressed in a manner known to law and certainly it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. For the reason aforesaid, this Court finds that the writ petition is not maintainable and, therefore, the same is dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

GLN

To

1. The District Collector
Namakkal District, Namakkal.
2. The Tahsildar
Rasipuram, Namakkal District.
3. The Executive Officer
Selection Grade Panchayat
Namagiripet, Rasipuram Tk
Namakkal District.

+1 CC to Mr.T.Dhanyakumar, Advocate sr 25455.

+1 CC to Govt. Pleader sr 25165.

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SR(CO)

SP(22/04/2019)