

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16998 of 2020

and WMP.No.21085 of 2020

N.Muthu Kumaran

...Petitioner

vs.

1. The District Collector,
Collectrate post,
Dharmapuri District.

2. The Revenue Divisional Officer,
Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

3. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

4. Lakshmi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner representation dated 02.10.2020 and direct the respondents 1 to 3 to pass prohibitory order against the fourth respondent and her subordinates not to interfere with Ancestral Patta lands at Sidumanahalli Village of an extent of 0-10.25 hectare bearing survey no.693/2A and an extent of 0-12.25 hectare in survey no.691/5A, an extent of 0.33.00 hectare in survey no.692/5 and an extent of 0.64 hectare in survey no.693/1 petitioners lands and an extent of 0-06.30 in survey no.693/2B and Kist 0.43 to the extent of 0-15.62 hectare in survey no.692/6B and Kist 0.95 to the extent of 0-34.30 hectare in survey no.693/2B belongs to petitioner's sister in Law Mrs.Chithra lands.

For Petitioner : Mr.V.R.Annagandhi

For R1 to R3 : Mr.G.Rajesh,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 to consider the

representation made by the petitioner dated 02.10.2020, and to take action against the fourth respondent.

2.Heard Mr.V.R.Annagandhi, learned counsel for the petitioner and Mr.G.Rajesh, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3.It is seen from records that already, the respondents 2 and 3 have passed necessary orders directing the parties not to create any law and order problem and infact, the second respondent in his proceedings dated 24.09.2020, has directed the parties to go before the Civil Court and establish their rights over the subject property. The grievance of the petitioner is that inspite of the orders passed by the respondents 2 and 3 rejecting the claim made by the fourth respondent, the fourth respondent is continuously involving in illegal activities and is trying to encroach upon the property and create a pathway.

4.In the considered view of this Court, the Revenue authorities have already done their duty and they have sufficiently indicated that the parties will have to independently agitate their rights before the competent Civil Court. The parties have also been informed that they should not create any law and order problem. In spite of such orders, if the fourth respondent continues to indulge in illegal activities, the petitioner should necessarily give a complaint against the fourth respondent before the concerned police and seek for remedy. In the alternative, it is also open to the petitioner to approach the Civil Court and safeguard his right and seek for appropriate interim orders against the fourth respondent. These are broadly the options available for the petitioner to safeguard his interest in the subject property and the Revenue authorities cannot do anything more than what they have already done by passing earlier orders. Therefore, no useful purpose will be served by again directing the respondents 1 to 3 to reconsider the matter. Except giving this clarity, no further orders can be passed in this writ petition.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectrate post, Dharmapuri District.

2. The Revenue Divisional Officer,
Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

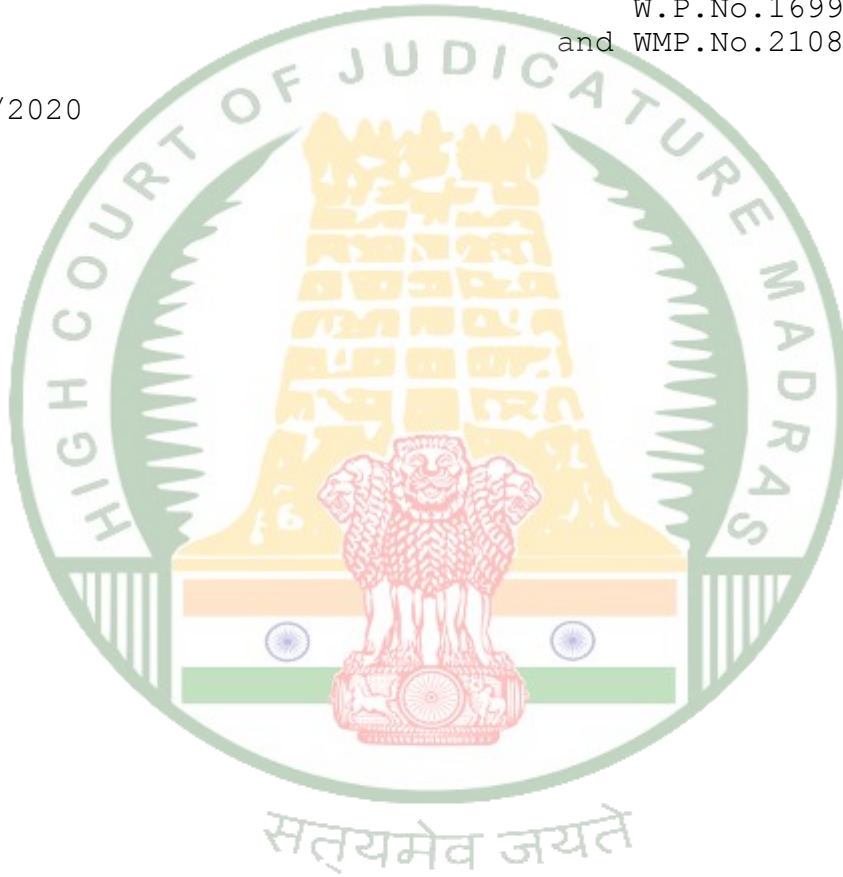
3. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

+1cc to M/s.V.R.Annagandhi Advocate SR.NO.38918

+1cc to the Government Pleader SR.NO.39071

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KV CO
SDR 19/12/2020



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