BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD)No.1620 of 2021

A.Annadurai ... Petitioner

- Vs -

1.The Revenue Divisional Officer,
Srirangam Revenue Divisional Office,
Trichy District.

2.The Tahsildar,
Manapparai Taluk Office,
Manapparai,
Trichy District.

3.Muniyappan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and second respondents to consider the petitioner's representation dated 22.01.2021 within time frame fixed by this Court.

For Petitioner	: Mr.K.Arunraj
For Respondents 1 and 2	: Mr.C.Ramesh Special Government Pleader

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ORDER

The case of the petitioner is that his father had purchased a property which is more fully described in paragraph 2 of the affidavit in Pannapatti East Revenue Village, Manapparai Taluk, Trichy District. The property was purchased through a registered sale deed dated 29.01.1982. Thereafter, the petitioner's father executed a settlement deed in his favour which was also registered on 21.06.2012. Ever since the settlement was effected, the petitioner has been in absolute possession and enjoyment of the property and the petitioner has been paying necessary taxes to the Government. The patta has also been transferred in his name as patta No.3697.

2.While the matter stood thus, the third respondent without any connection whatsoever to the property started claiming right over the property by making false claims. In this regard, the third respondent appears to have approached the revenue officials to get patta transferred in his name for the property lawfully purchased by the petitioner's father and has been in petitioner's possession as on date.

3.The petitioner in this connection has submitted a representation on 22.01.2021 to the first and second respondents requesting the authorities not to effect any transfer or no measurement or survey of the land should be undertaken at the instance of the third parties. After the submission of the representation dated 22.01.2021, immediately, the present Writ Petition has been filed seeking direction to the first and second respondents for disposal of his representation.

4.From the above factual narrative, it could be seen that the petitioner has claimed to have submitted a representation only on 22.01.2021 projecting his grievance against the third respondent to the first and second respondents. Without waiting for a reasonable time, enabling the officials to take action on the representation, the petitioner has needlessly and hurriedly rushed to this Court by invoking the extraordinary jurisdiction of this Court. Even otherwise, there is no cause of action for the petitioner to approach this Court, as no action has been taken by the revenue officials either adverse to the interest of the petitioner or otherwise. Therefore, the present Writ Petition is completely misconceived and also pre-matured. The litigants cannot unnecessarily rush to this Court immediately on a representation being submitted to the authorities concerned without giving the authorities a reasonable time to pass orders on their representations. This is yet another case of one misusing the mandamus jurisdiction of this Court by the litigant, as the representation is said to have been submitted on 22.01.2021 and within a week's time, the writ petition was filed on 25.01.2021. Such attempt by the petitioner amounts to gross abuse of process of law. Although this Court originally inclined to impose exemplary cost on the petitioner, however, considering the status of the petitioner, it refrained from doing so. The Writ Petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The Revenue Divisional Officer,
Srirangam Revenue Divisional Office,
Trichy District.

2.The Tahsildar,
Manapparai Taluk Office,
Manapparai,
Trichy District.

+1 CC to SPL GP (SR-3092[F] dated 03/02/2021)

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VB (12.02.2021) 3P 4C