



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

**W.P. (MD) No.4906 of 2021**

N.Gopalakrishnan

.. Petitioner

vs

1.The Revenue Divisional Officer,  
O/o. Revenue Divisional Office,  
Trichy District, Trichy.

2.Shanthi

.. Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 19.10.2020.

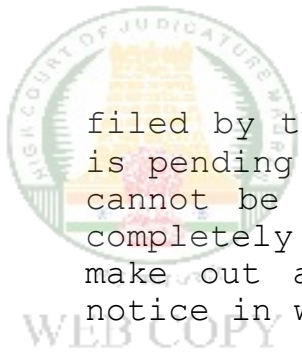
|                |   |                                                  |
|----------------|---|--------------------------------------------------|
| For Petitioner | : | Mr.G.Manikandan                                  |
| For R1         | : | Mr.K.P.Krishnadoss<br>Special Government Pleader |

**ORDER**

The case of the petitioner is that the 2<sup>nd</sup> respondent is attempting to grab the property belonging to him. In that regard, he has also preferred a complaint to the local police on 08.08.2020. However, the complaint was not acted upon on the basis of the fact that there was a civil dispute between the petitioner and the 2<sup>nd</sup> respondent. Subsequent attempts of the petitioner seeking attention of the authority on his grievances did not receive any response and therefore, he approached the Revenue Authority on 29.09.2020 for surveying the subject property.

2.When the officials have taken steps to survey the property, the 2<sup>nd</sup> respondent did not allow them to carry out the survey and the 2<sup>nd</sup> respondent informed the petitioner that a suit in O.S.No.194 of 2019 was filed by her seeking a share in the property. However, the petitioner despite being informed about the pendency of the suit submitted a representation on 19.10.2020 to the 1<sup>st</sup> respondent requesting him for surveying of the property and as there was no response, the petitioner is before this Court seeking issuance of writ of mandamus.

3.From the above factual narrative, it could be seen that the property in question is the subject matter of the suit proceedings



filed by the 2<sup>nd</sup> respondent in O.S.No.194 of 2019 and when the suit is pending *qua* parties, a direction as prayed for by the petitioner cannot be issued at all by this Court. In fact, the affidavit is completely bereft of any details and the averments do not coherently make out any legal case for this Court even to consider issuing notice in writ petition.

4.In any event, it appears that the petitioner himself has accepted that there is a suit pending at the instance of the 2<sup>nd</sup> respondent against him, in which case, it is up to the petitioner to workout his remedy in the pending suit and not before this Court in a mandamus jurisdiction.

5.In view of the same, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Revenue Divisional Officer,  
O/o. Revenue Divisional Office,  
Trichy District,  
Trichy.

+1 CC to M/s.SPL GP ( SR-10219[F] dated 10/03/2021 )

**W.P. (MD)No.4906 of 2021**  
**09.03.2021**

tp(CO)  
TR(26.03.2021) 2P 3C