



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3404 of 2022

T.Durai

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
District Collectorate Office Campus,
Dharmapuri District.
3. The Revenue Divisional Officer,
Harur, Dharmapuri District.
4. The Tahsildar,
Harur, Dharmapuri District.
5. Mr.T.Chandrasekar

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 to survey the land comprised in S.Nos.41/11B and 41/11C and to struck off the name of the 5th respondent and his father Raji @ Theerthagiri Gounder, from the UDR of Chinnakavundampatti Village, Harur Taluk, Dharmapuri District based on the petitioner's representation dated 25.08.2021.

For Petitioner : Mr.G.Selvaraj

For Respondents 1 to 4 : Mr.G.Nanmaran,
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus to direct respondents 2 to 4 to consider the petitioner's representation dated 25.08.2021.

2. Since, no adverse order is being passed against the private respondent/5th respondent, notice to the 5th respondent is dispensed with.



3. The case of the petitioner is that he is the owner of the properties comprised in S.Nos.41/11B and 41/11C. Earlier, the father of the 5th respondent, who is a close relative of the petitioner, obtained UDR for the land in S.No.41/11C that belongs to the petitioner. While that being so, the 5th respondent disturbed the petitioner from enjoying his properties and insisted the 4th respondent to survey the land based on the UDR by filing application. Therefore, the petitioner made representation dated 25.08.2021 before respondents 2 to 4 to survey the above said land and to strike out the names of the 5th respondent and his father from the UDR records. However, till date, no order was passed on the said representation. Hence, this Writ Petition.

4. The learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to respondents 2 to 4 to consider the petitioner's representation dated 25.08.2021 and survey the lands in S.Nos.41/11B and 41/11C and strike out the names of the 5th respondent and his father from the UDR records.

5. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that the very same relief was already sought for by the petitioner in O.S.No.127 of 2012 on the file of the District Munsif Court, Harur and the same is pending. Therefore, when the petitioner is seeking similar relief before the competent civil Court, the Writ Petition filed before this Court is not sustainable. Hence, he prays for dismissal of the petition.

6. In view of the submission made by the learned Special Government Pleader that the very same relief has been sought for by the petitioner before the competent civil Court, this Writ Petition is not sustainable. Hence, the prayer sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to file fresh application before the competent civil Court where the suit is pending.

7. This writ petition is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District.
 2. The District Revenue Officer,
District Collectorate Office Campus,
Dharmapuri District.
 3. The Revenue Divisional Officer,
Harur, Dharmapuri District.
 4. The Tahsildar,
Harur, Dharmapuri District.
- +1cc to M/s.G.Selvaraj, Advocate, S.R.No.11283
- +1cc to the Government Pleader, S.R.No.12027

W.P.No.3404 of 2022

RSI (CO)
RN(23/03/2022)