



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13233 of 2012

And

M.P.No.1 of 2012

M.Kamaraj

... Petitioner

Vs.

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Revenue Divisional Officer,
Ariyalur.

3.The District Revenue Officer,
Ariyalur District, Ariyalur.

4.The Special Tahsildar,
Adhidraavidar Welfare,
Ariyalur Taluk,
Ariyalur.

5.D.Lakshmi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take action on the petitioner's representation dated 30.04.2012, in respect of the property situate in Survey No.140/5A, Valajanagaram Village, Ariyalur Taluk.

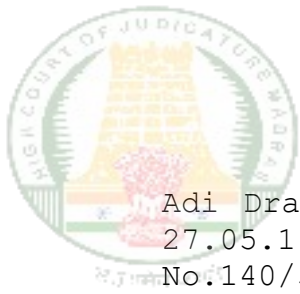
For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.T.Chezhiyan

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to take action on the petitioner's representation dated 30.04.2012, in respect of the property situate in Survey No.140/5A, Valajanagaram Village, Ariyalur Taluk.



2.The case of the petitioner is that the petitioner is an Adi Dravida and vide proceedings of the fourth respondent dated 27.05.1994, his wife was allotted plot no.71 in Survey No.140/5A, Valajanagaram Village, Ariyalur Taluk. Totally 95 allottees were allotted plots in Survey No.140/5A, out of which 63 of them including the petitioner belong to Arundhadiyar sector and remaining 32 of them belong to rival group. The said 63 of them were in the rear portion of the property without proper access and road facilities and hence they went on a protest on 08.08.1994 and 26.06.1995.

3.The further case of the petitioner is that in the year 1995, the third respondent prepared a new sketch with a proposal for fair allotment of plots to both the groups. However, there was no further action. Hence the petitioner made representation dated 30.04.2012 to the first respondent seeking to merge the common area and allot plots in a fair and transparent manner, as per the second sketch given by the third respondent in 1995, however, the respondents 1 to 4 are taking steps to allot the front portion of the property in favour of the 32 allottees of the rival group. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that earlier one Saroja, similarly situated person like the petitioner filed W.P.Nos.4153, 27642 to 27673 of 2011 before this Court for the very same relief and this Court vide order dated 11.04.2012 dismissed the said writ petitions, as against which, writ appeals were filed and the said writ appeals were also dismissed and it appears that SLP is pending.

5.The learned Additional Government Pleader appearing for the official respondents did not dispute the facts submitted by the learned counsel appearing for the petitioner, however, submitted that the earlier writ petitions filed by similarly situated person was dismissed by this Court. Hence, the petitioner making representation to the respondents and filing this writ petition for the very same relief, is not sustainable one.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not disputed. Admittedly, one Saroja, similarly situated person like the petitioner filed W.P.Nos.4153, 27642 to 27673 of 2011 before this Court for the very same relief and this Court vide order dated 11.04.2012 dismissed the said writ petitions. It appears that as against the said order, writ appeals were filed before



the Hon'ble Division Bench of this Court and the said writ appeals were also dismissed. Hence, the petitioner making representation for the very same relief before the Authorities and filing this writ petition is un-sustainable one. Hence, this Court is not inclined to grant the relief sought for in this writ petition.

8.This writ petition is accordingly dismissed. However, after disposal of the SLP filed by the similarly situated person, if any affirmative direction is issued in favour of the petitioner therein, it is open to the petitioner herein to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Ariyalur District,
Ariyalur.
- 2.The Revenue Divisional Officer,
Ariyalur.
- 3.The District Revenue Officer,
Ariyalur District,
Ariyalur.
- 4.The Special Tahsildar,
Adhidraavidar Welfare,
Ariyalur Taluk, Ariyalur.

+1cc to Mr.A.R.Suresh, Advocate SR.No.12598
+1cc to the Government Pleader SR.No.13066

W.P.No.13233 of 2012
And
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GPL(CO)
GN(23/03/2022)