



W.P.No.30434 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.30434 of 2022

R.Mohana

.. Petitioner

Vs

1.The Secretary,
Revenue Department,
Secretariat, St.George Fort,
Chennai,
Pincode - 600 009.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Near LIC of India,
Mettur, Salem District,
Pincode – 636 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to pass an order based on the enquiry conducted on the petitioner's representation dated 07.09.2021 within the time frame fixed by this Court.

For Petitioner : Mr.K.Anbuselvan

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader



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ORDER

The petitioner has filed this petition to direct the 2nd respondent to pass an order based on the enquiry conducted on the petitioner's representation dated 07.09.2021 within the time frame fixed by this Court.

2.The case of the petitioner would submit that the petitioner is the wife of Rajaram who claim through Chinna Ramaboyan's daughter's son. There was a property dispute between the legal heirs of the Chinna Ramaboyan and one Ramakrishnan. However, during the partition, the Ramakrishnan has cunningly obtained the planning permission from the village panchayat and put up a construction, in which the petitioner claim that the Village Administrative Officer granted no objection certificate in his favour. For cancellation of the said NOC, the petitioner made a representation dated 07.09.2021 before the 2nd respondent. Pursuant to which, the 2nd respondent conducted an enquiry on 31.01.2022, whereas, no orders was passed. Hence, the petitioner has filed the present Writ Petition with the above said prayer.

3.Learned counsel for the petitioner submits that it would suffice if



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this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 07.09.2021 and pass orders on the same within a particular time frame fixed by this Court.

4.On the above said contentions, heard the learned Additional Government Pleader appearing for respondents.

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

6.However, on perusal of the entire records, reveals that, for the very same issue, the petitioner has already filed a suit in O.S.No.180 of 2016 for partition and for sub-division on the file of the District Munsif, Omalur and another suit in O.S.No.272 of 2005 to set aside the alleged fraudulent document with regard to the disputed property on the file of the District Munsif Court, Omalur. Both the suits are pending and the petitioner filed another two suits in O.S.No.501 of 2012 and O.S.No.189 of 2016 and the said two suits are also pending on the file of the District Munsif Court, Omalur. Already the petitioner filed four suits pending on the file of the



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District Munsif Court, Omalur and thereafter, he made repeated complaints before the Revenue Officials for cancelling the planning permission and as well as the NOC, which is a clear case of harassing the other legal heir. Hence, the prayer sought for in this Writ Petition cannot be granted.

7.The Revenue Officials are directed to not to proceed any further in mutation of the Revenue Records till the disposal of the Civil suits. However, this Court grants liberty to the petitioner to file a fresh application after the disposal of the civil suits.

8.This Writ Petition is accordingly, dismissed. No costs.

16.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No
To

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M.DHANDAPANI,J.

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