



W.P.No.9137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9137 of 2023
and WMP.Nos.9278 to 9280 of 2023

Chinnaiyan

...Petitioner

Vs

1. The District Collector,
District Collectorate,
Fort Main Road, Salem 636 001.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Salem Division, Salem 636 001.
3. The Tahsildar
Valapadi Taluk,
Salem District 636 115.
4. The Block Development Officer,
Valapady Panchayat Union,
Valapady Post, Salem District 636 115.
5. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Valapady South, No.14/168,



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Palani Padaram Street, Valapady,
Salem 636 115.
(R-5 cause title amended vide order
dt.29.03.2023 made in WMP.9860/2023)

6. The President,
Ponnarampatti Village,
Valapdi Taluk,
Salem District 636 115.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider and pass order on the representation dated 16.03.2023 of the petitioner and made necessary digital entries with regard to the possession and enjoyment of the property patta issued by them and consequently direct the respondents not to alienate the petitioner from the property without following due process of law.

For Petitioner : Mr.Bala Ramesh
for Mr.D.Venkatachalam

For Respondents : Mr.P.Sathish
Addl. Government Pleader
for RR 1 to 3 and 6

: M/s.V.Yamuna Devi
Spl. Government Pleader
for R-4

: No appearance for R-5



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ORDER

The prayer in the present writ petition is in two-fold. Firstly, the petitioner seeks for a direction to consider his representation, wherein, he sought for certain corrections in the digital entries of her patta. Secondly, he seeks for an injunction restraining the respondents not to disturb his peaceful possession and enjoyment of the property and also evicting him from the property in Survey No.16/5 and 17/1 situated at ponnarapatti Village, Valapadi Taluk, Salem.

2. Insofar as the first portion of the prayer is concerned, learned counsel for the petitioner submits that pursuant to the petitioner's representation, summons has been issued to the petitioner, calling upon him to appear before Tahsilar, Valapadi for an enquiry.

3. Since the respondents have initiated action pursuant to the petitioner's representation, the prayer for consideration of petitioner's representation does not deserve for consideration. It is always open to the



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petitioner to participate in the enquiry and raise all his objections.

4. Insofar as the second prayer for restraining the respondents from evicting him from the suit property is concerned, the petitioner has already filed a civil suit in O.S.No.14 of 2021 before the District Munsif Court, Valapadi, seeking for similar relief. When the petitioner had already approached the civil court for the relief of injunction, the second portion of the prayer also does not deserve for consideration.

5. In the light of the above findings, the writ petition stands closed with liberty granted to the petitioner as above. No costs. Consequently, connected miscellaneous petitions are closed.

06.04.2023

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

sr



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M.S.RAMESH,J.

SR

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