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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2873 of 2023

M. Eswari

...Petitioner

.Vs.

1. The Tashildar
Taluk Office,
Omalur Taluk, Salem District.

2. The Head Surveyor,
Taluk Office,
Omalur Taluk, Salem District.

3. The Village Administrative Officer,
Omalur Town, Omalur Taluk,
Salem District.

4. The District Collector,
Salem District.

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the
Constitution of India, praying to direct the learned District Munsif Omalur,

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Salem District to number the application in I.A.S.R.No.552 of 2023 and taken on file and decide on merits and pass orders.

For Petitioner : Mr. B. Sundarapandiyan

For Respondent : Mr.S.P, Karthik, Government Advocate

ORDER

This petition is filed to direct the learned District Munsif Omalur, Salem District to number the application in I.A.S.R.No.552 of 2023 and taken on file and decide on merits .

2. The facts of the case is that the petitioner filed subpoena application I.A.S.R.No. 552 of 2023 seeking relief of directing the respondent 1 to 3 herein to file survey plan report with FMB in Survey No.293/1L and 11 before the Trial Court and the same was returned without even numbering. Hence this petition.



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3. The learned counsel for the petitioner submitted that the petitioner has already got favourable orders from this Court in W.P.No.18310 of 2022 to demarcate the subject property and the same was not complied by the respondents herein, which is a clear case of contempt. Hence he prays this Court to allow this petition.

4. Per Contra, the learned Government Advocate appearing for the Respondent submitted that they are unnecessary party in this proceedings and the Court below has rightly refused to number the application filed by the petitioner and the same does not need any interference.

5. On a perusal of records it is seen that on 19.04.2022 the petitioner has given a representation to the respondents to demarcate the subject property and this Court vide order dated 20.07.2022 in W.P.18310 of 2022 without going into the merits of the case has directed the respondents



to consider the case of the petitioner and pass orders within a period of twelve weeks from the date of receipt of a copy of this order. Hence the learned Judge in I.A.S.R.No. 552 of 2023 has observed that there is no specific direction given by the High Court in writ proceedings to call for the status report of the survey proceedings and rejected the petition as the same is not maintainable.

6. In view of the above, it is made clear that this Court has already given a direction to the respondents to consider the case of the petitioner. Whiles, the petitioner has to approach the concerned authorities and ventilate his grievance rather seeking a direction before this Court. Hence, there is no merits in the case and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

22.08.2023

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Index : Yes/No

Internet: Yes/No



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Salem District.

4. The District Collector,
Salem District.

5. The District Munsif Omalur, Salem District

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V.BHAVANI SUBBAROYAN,J.
Smn

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