



W.P.No.5651 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5651 of 2021

1. Mrs. Rathinam

2. M. Manikandan Alias Sabarigirinathan

3. M. Vekatesh

... Petitioner

Vs.

1. The District Collector,
The Nilgiris District,
Ooty-643 001.

2. The District Superintendent of Police,
Ooty.

3. The Settlement Officer/
District Revenue Officer,
Gudalur Janmam Lands,
Gudalur, The Nilgiris.

4. The Revenue Divisional Officer,
Revenue Divisional Office,
Gudalur, The Nilgiris.

5. The Thasildar,
Gudalur,
The Nilgiris.

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to consider and pass orders on the representation dated 02.12.2020 sent by the petitioners through their power of attorney agent seeking not to disturb their possession and enjoyment of their property unlawfully pending the connected litigations, comprising in Survey Nos.240/1, 240/3 and 244/3 co-relating to Old Survey Nos.112/1A, 115 and 116 in Gudalur, The Nilgiris District, which is popularly known as “Manikandan Estate”, within a time as prescribed by this Honourable Court.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider and pass orders on the representation dated 02.12.2020 sent by the petitioners through their power of attorney agent seeking not to disturb their possession and enjoyment of their property, comprising in Survey Nos.240/1, 240/3 and 244/3 co-relating to Old Survey Nos.112/1A, 115 and 116 in Gudalur, The Nilgiris District, which is popularly known as “Manikandan Estate”, within a time as prescribed by this Honourable Court.



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2. The relief as sought for in the present writ petition is misconceived. A direction, in the nature of an injunction, cannot be granted against an immovable property and in the present case, the petitioner has submitted a representation for the same. Mere direction to consider the representation would do no service to the cause of justice. Such directions are misused and abused either by the litigants or at the instance of the officials resulting in corrupt practices in the Government Departments.

3. In the absence of establishing any legal right, High Court is not expected to entertain a writ petition under Article 226 of the Constitution of India. It is a pre-condition that a person approaching a High Court has to establish a right, then alone, a relief, even to consider the representation, can be granted. Mere direction would do no service to the cause of justice. The litigants will be back again by filing another writ petition which would result in multiplicity of proceedings, than settling the issues.

4. On some occasions, such directions are obtained from the High Court to open the dead cause of actions and to process the file through



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corrupt activities. Several such writ petitions are filed for restoration of lapsed cause of action by merely sending a representation and filing a writ petition to consider the said representation. Such practices, at no circumstances be encouraged by the High Court which would result in miscarriage of Justice.

5. If at all, the petitioner has got any property right, he has to approach the competent Civil Court of law in the manner contemplated. In the present case, regarding Janmam Estates, the issues are settled by the Hon'ble Supreme Court of India and thus, the relief as such sought for cannot be granted.

6. Accordingly, the writ petition stands dismissed. No costs.

06.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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To
WEB COPY

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S.M.SUBRAMANIAM. J.,

(sha)

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