



W.P.No.35134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35134 of 2023

M.Ramasamy

... Petitioner

versus

1.The District Collector,
Collectorate,
Sathuvachari,
Vellore District.

2.The Revenue Divisional Officer,
Office of the R.D.O.,
Vellore, Vellore -9.

3.The Thasildar,
Office of the Thasildar,
Vellore, Vellore District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 3 to consider and take action on the petitioner's representation dated 06.04.2023 and dispose of the same within the time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Arokia Mani Raj
For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the respondents 1 and 3 to consider, take action on the petitioner's representation dated 06.04.2023 and dispose of the same within the time frame.

3. The learned counsel for the petitioner submitted that originally the subject lands are Panjami lands, later it was classified as 'Depressed Class' lands and the same were assigned to the petitioner's grandfather one



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Poongavanam, who belonged to a member of the Adi-Dravida Community.

Subsequently, some third parties have illegally manipulated the revenue records with the help of the Revenue Authority in their favour. Challenging the same, the petitioner filed a suit in O.S.No.229/2012 on the file of the Principal District Munsif Court, Vellore, which was dismissed on 19.09.2017, as against the same, the petitioner preferred an appeal in A.S.No.64 of 2017 on the file of the Additional Sub Court, Vellore and by order dated 15.10.2019, the lower Appellate Court partly allowed the appeal and directed the defendants 12 and 13 therein/ respondents 1 and 3 herein to restore all the suit properties as 'DC' lands, rectify the defects and allot the said properties to all the legal heirs of the deceased Poongavanam. The learned counsel further submitted that the judgment and decree passed by the lower Appellate Court was not challenged till date. While so, the petitioner made a representation before the first respondent herein on 27.01.2020 seeking to comply with the order dated 15.10.2019 of the Additional Sub Court Vellore. While so, the first respondent directed the respondents 2 and 3 to take action on the petitioner's representation. Thereafter, the petitioner made an application to the second respondent



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herein on 06.04.2023 requesting him to instruct the third respondent herein to comply with the judgment and decree, for which, the second respondent on 13.04.2023 directed the third respondent to take action on the petitioner's representation. However, till date, the respondents have not taken any action on the petitioner's representation. Hence, the present writ petition.

4. The learned Additional Advocate General, assisted by the learned Additional Government Pleader appearing for the respondents submitted that the respondents will consider the representation of the petitioner on merits and in accordance with law.

5. Heard both sides and perused the materials available on record.

6. It is seen from the records that the petitioner has already got a decree from the lower Appellate Court. Instead of filing the execution petition by invoking under Order XXI CPC, the petitioner has filed the present writ petition which is not maintainable. Since the petitioner has got an efficacious alternative remedy before the Civil Court, this Court is not



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inclined to entertain this writ petition by invoking Article 226 of
Constitution of India.

7. In view of the above the writ petition is dismissed. However, the
petitioner is at liberty to file a execution petition before the Civil Court.

There shall be no order as to costs.

29.01.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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