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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2013

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.20778 of 2013

and

MP(MD).Nos.1 & 2 of 2013

K.Krishnasami

... Petitioner

Vs.

1.The Commissioner,
City Corporation, Trichy.

2.The Assistant Commissioner,
Ariyamangalam Division,
Trichy District.

3.Duraisamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent 1 and 2 from taking any step without due process of law on the notice dated 9.12.2013 issued by the 3rd respondent in respect of the S.No.2/3 B2B2 in Varaganeri Village, Trichy Taluk and Trichy District.

For Petitioner

: Mr.N.Mohan

For RR - 1 & 2

: Mr.N.S.Karthikeyan

ORDER

(Order of the Court was made by **S.VAIDYANATHAN, J.**)

This writ petition has been filed for the following relief:

"Writ of Mandamus forbearing the respondents 1 and 2 from taking any step without due process of law on the notice dated 9.12.2013 issued by the 3rd respondent in respect of the land in S.No.2/3 B2B2 in Varaganeri Village, Trichy Taluk, Trichy District"

2.According to the petitioner, he is absolute owner of the property and the said property was purchased on 30.06.2005. the land was approved by Assistant Commissioner vide his proceedings dated 28.12.2012. The petitioner further contended that he has obtained patta and chitta and remitted property tax to the second respondent. The planning approval was obtained from the second respondent was the contention of the petitioner. The petitioner further contended that there is no road abutting their property and there is no intention to grab anyone's property. The petitioner further stated that he is willing to produce relevant documents in support of his case.



3.While so, the third respondent issued a notice to the respondents and the petitioner through his counsel stating that the petitioner is trying to block the public road and to grab his property.

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4.Learned counsel for the respondents 1 and 2 contended that there is no representation from the petitioner.

5.Without going into the merits of the matter, we direct the petitioner to submit a representation to the respondents 1 and 2, and the concerned respondent is directed to dispose of the same preferably, within a period of eight weeks from the date of receipt of a copy of such representation. Till such time, no action shall be taken without following due process of law. It is needless to state that any person who shall be aggrieved by such proceedings taken by the authority should also be heard.

6.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
City Corporation, Trichy.

2.The Assistant Commissioner,
Ariyamangalam Division,
Trichy District.

Sms

AA/10.01.2014/2p- 3c/

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