

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.No.8352 of 2014

B.Gandhimathi

.. Petitioner

vs.

1. The Commissioner
Oulgaret Commune Panchayat
Puducherry-5.

2. The Assistant Engineer
Water Supply (Peripheral)
Public Works Department
Puducherry.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 14.02.2014 and to dispose of the same in a time bound manner.

For Petitioner : No appearance

For Respondents : No appearance [although served on
01.04.2014]

ORDER

The petitioner has filed the present petition praying for the issuance of a writ of Mandamus to direct the first respondent to consider his representation dated 14.02.2014 and to dispose of the same in a time bound manner.

2. It transpires from the affidavit filed by the petitioner in the writ petition that she had applied for planning approval and obtained the same in respect of the land in R.S.No.23/22B measuring an extent of 113.46 sq.m in Kurinchi Nagar, Lawspet, Puducherry and that she is in continuous possession and enjoyment of the property ever since the date of her purchase on 23.06.2009 [Vide Document No.1992/2009].

3. The grievance of the petitioner is that when she was about to put up construction in the property, the henchmen from Kurinji Welfare Association had entered and broken the compound wall based on

the influence of certain political elements.

4. The petitioner filed O.S.No.343 of 2011 against one Ramakrishnan, who tried to disturb her possession and obtained an interim order of injunction, which was made absolute. Further she had applied for certain information under the Right to Information Act from the Oulgaret Commune Panchayat Officer, who had issued reply, against which she preferred an 'Appeal' and by order dated 30.01.2013 it was concluded that the information given by the Information Officer was an incorrect one. In fact, the Tahsildar cum Information Officer furnished reply stating that the land belongs to the petitioner only. She had also sent a representation dated 06.02.2013 to the Deputy Collector (North), who submitted a report on 28.02.2013 stating that the land in dispute is a patta land and not a road portion. While so, the Commissioner Oulgaret Community Panchayat issued a public notice dated 21.02.2013 stating that the land in R.S.No.23/22B is proposed to be used as a passage for the villagers to which she had sent her objection.

5. The petitioner, on earlier occasion filed W.P.No.7079 of 2013 and this Court was pleased to grant an order of interim injunction on 25.03.2013 from interfering or disturbing with the peaceful possession and the same is in force till date. Later, she filed contempt petition Nos.2495 and 2509 of 2013 and the same are pending before this Court.

6. It is seen that the petitioner had almost completed the construction of her house property in R.S.No.23/22B. Therefore, she had applied for water service connection to the second respondent for the property in question and the same was granted on 10.20.2014 and there was a stipulation that the work should be completed within a period of thirty days from 11.02.2014. She made a representation on 14.02.2014 to the first respondent to grant her permission to carry out work in the road in order to effect the service connection and since there was no reply or action forthcoming, she was constrained to sent another representation dated 26.02.2014. She had arranged for the inauguration of House Warming Ceremony on 20.04.2014 and for which also there is no response or action on the part of the first respondent. Therefore, she has filed the present writ petition.

7. In view of the fact that the relief sought for by the petitioner in the present writ petition is only to consider her representation dated 14.02.2014 by the first respondent, this Court in the interest of justice and Fair Play, directs the first respondent to look into the representation of the petitioner dated 14.02.2014 and the subsequent representation dated 26.02.2014, in a fair, just and objective manner and to dispose of the same [if not disposed of already] by passing a reasoned speaking order on merits,

assigning necessary reasons [of course, after affording due opportunity to the petitioner by adhering to the principles of natural justice] within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observation and direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

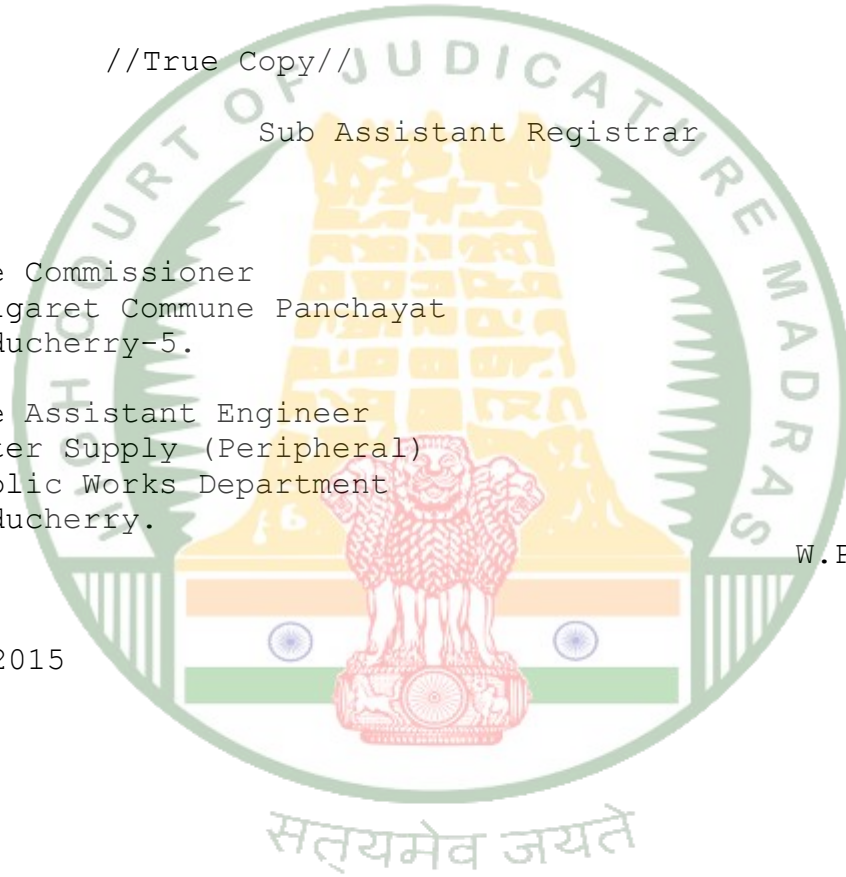
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To

1. The Commissioner
Oulgaret Commune Panchayat
Puducherry-5.
2. The Assistant Engineer
Water Supply (Peripheral)
Public Works Department
Puducherry.

W.P.No.8352 of 2014

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