

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10317 of 2015
and

M.P.No.1 of 2015

Dwaraka Rathinam

.. Petitioner

vs

1.The District Collector
Thiruvallur

2.The Block Development Officer
Ellapuram, Thiruvallur

3.The President
Mambalam Panchayat
Uttukottai Taluk
Thiruvallur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the third respondent from putting up any form of construction or a compound wall in Survey No.54/2 Kadarvedu Village, Utukottai Taluk, Thiruvallur District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader
for RR1 & 2

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ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is the owner of the property in Survey No.55/1B/2 admeasuring to an extent of 1.28.0 hectares of Kadarveedu Village, Uthukottai Taluk, Thiruvallur District, and on the eastern side of the agricultural land, Survey No.54, classified as "mandaveli poramboke", is situated and he is using the lands for the agricultural purposes and also having access to his property through the adjacent poramboke lands. Further, according to the petitioner, except the said space, he is not having any other way to reach his property. However, the third respondent with a view to create

hardship, by obstructing his free movement, is attempting to change the nature of the lands for a public purpose altogether and put up a compound wall and in this regard, the petitioner has submitted a representation on 1.4.2015, to the first respondent and since the third respondent continued to indulge in the above said illegal activities, he is constrained to approach this Court by filing the writ petition.

3.Heard the submissions of Mr.V.Raghavachari, learned Counsel appearing for the petitioner, and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepted notice for the respondents 1 and 2.

4.Though the petitioner has prayed for a larger relief, this Court is of the view that it would suffice to direct the first respondent to consider and dispose of the representation.

5.This Court, without entering or commenting on the merits of the representation, directs the first respondent to consider and dispose of the petitioner's representation dated 1.4.2015, on merits and in accordance with law, after putting the concerned persons on notice, not later than eight weeks from the date of receipt of a copy of this order and communicate the decision to the parties concerned and till the first respondent decides the representation, all the respondents are directed to maintain status-quo, as exists today. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The District Collector
Thiruvallur
- 2.The Block Development Officer
Ellapuram, Thiruvallur
- 3.The President
Mambalam Panchayat
Uttukottai Taluk
Thiruvallur District

1 cc to M/s. Government Pleader, Sr. 19836
1 cc to Mr.V. Raghavachari, Advocate, sr. 19902

W.P.No.10317 of 2015