

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10519 of 2015

and M.P.No.1 of 2015

M.Deivasigamani

.. Petitioner

Versus

1.The District Collector,
Erode District, Erode.

2.The Block Development Officer,
Modakkurichi Panchayat Union,
Modakkurichi, Erode District.

3.Sakthivel,
Contractor,
Modakkurichi Panchayat Union,
Modakkurichi, Erode District.

4. Ramesh
Panchayat Union Engineer,
Modakkurichi Panchayat Union,
Modakkurichi, Erode District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 and 2 to pay compensation for removing entire soil and damaged standing crops in the petitioner's land situated in R.S.No.1601/2, 3 to the extent of 4.17 acres, Avalpoondurai C Village, Erode Taluk & District to the petitioner's land.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.V.Durai Soalimalai (for R1)
Additional Government Pleader

Mr.R.Rajendra Narasimhan (for R2 to R4)
Additional Government Pleader.

O R D E R

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

2. The petitioner claims that he is the owner of the agricultural patta land situated in R.S.No.1601/2, 3 admeasuring to an extent of 4.17 acres in Avalpoondurai C Village, Erode Taluk and District and without his consent or permission, respondents 2 and

3, under the guise of laying the road, removed the top soil and using it for illegal purpose and in this regard, the petitioner submitted a representation to the 1st respondent requesting him to abate the same, but inspite of the receipt of his representation, no action was taken and hence, came forward to file this writ petition.

3. Heard the submissions of Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.S.V.Durai Solaimalai, learned Additional Government Pleader, who accepts notice for the 1st respondents and Mr.R.Rajendra Narasimhan, learned Additional Government Pleader, who accepts notice for the respondents 2 to 4.

4. Though, the petitioner has sought for a larger relief, this Court in the facts and circumstances of the case, is of the view that it would suffice to direct the 1st respondent to dispose of the petitioner's representation dated 03.04.2015, within a stipulated time.

5. In the result, this Court, without going into the merits of the representation, directs the 1st respondent, to consider and dispose of the petitioner's representation dated 03.04.2015, after putting the respondents 3 and 4, on notice and pass orders, as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well to the private respondents.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The District Collector,
Erode District, Erode.

2.The Block Development Officer,
Modakkurichi Panchayat Union,
Modakkurichi, Erode District.

+1 cc to Mr.C.Prakasam, Advocate,SR.20471

+1 cc to Government Pleader,SR.20268.

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