

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.24170 of 2015

and

M.P.No.1 of 2015

Kanagarathinam

..

Petitioner

vs

1.The District Collector
Tiruppur District
Tiruppur

2.The Revenue Divisional Officer
Udumalpet
Tiruppur District

3.The Tahsildar
Udumalpet
Tiruppur District

4.The President
Bodipatti Village Panchayat
Bodipatti, Udumalpet Taluk
Tiruppur District

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 2 and 3 or their subordinates or any one claiming under them from in any manner interfering with the park site in the Approved Layout Number 7/2012 in Jagannathan Nagar, S.No.117/3A, Bodipatti Village, Udumalpet Taluk, in the guise of forming a pathway over the same or in any manner changing the nature of use of the park site.

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.S.Diwakar
Additional Government Pleader

ORDER

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

2.The petitioner claims that she is the owner of the lands in Survey No.117/3A, Bodipatti Village, admeasuring to an extent of 2.65 acres and after getting necessary permission, formed a residential layout and the Assistant Director of Town Planning, Coimbatore, has also granted technical sanction vide proceedings dated 23.1.2012, in Approval No.007/2012, subject to the condition

that the final approval is to be accorded by the fourth respondent-Village Panchayat.

3.The petitioner would further state that the final approval was also granted by the fourth respondent vide Resolution No.97 dated 9.11.2012, and as a precondition for the said approval, the petitioner has also gifted the public area and the park site in the layout, on 1.11.2012. The grievance expressed by the petitioner, is that the second respondent wants to put up a road through the above said lands of the petitioner, and in this regard, she has submitted a representation dated 29.7.2015, to the first respondent requesting him to give suitable instructions to the second respondent not to do so, and since it has not been given disposal, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Diwakar, learned Additional Government Pleader, who accepted notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 29.7.2015, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and till then, shall instruct the second respondent to defer further action in that regard. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The District Collector
Tiruppur District, Tiruppur
 - 2.The Revenue Divisional Officer
Udumalpet
Tiruppur District
 - 3.The Tahsildar
Udumalpet
Tiruppur District
 - 4.The President
Bodipatti Village Panchayat
Bodipatti, Udumalpet Taluk
Tiruppur District
- +1 cc to Mr.P.Srinivas, Advocate, sr.41108
+1 cc to The Government Pleader, sr.41203