

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 25181 of 2015

M. Somasundaram

.. Petitioner

Vs.

1. The Executive Officer,
Tirunindravur Selection Grade
Panchayat,
Tirunindravur,
Chennai - 602 024.

2. The Panchayat Councillor,
Ward No.11,
Mr. Arunachalam,
Tirunindravur Selection Grade
Panchayat, Tirunindravur,
Chennai - 602 024.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 29.07.2015 within a time frame fixed by this Court.

For Petitioner :: Mr.Gowrishankar for
Mr. A. Sasikumar

For Respondents:: Mr.D. Suriyanarayanan,
Govt. Advocate for R1

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 29.07.2015 within a time frame fixed by this Court.

2. The petitioner contends that he is the lawful and registered owner of the property bearing Door No.9, Thiruvengada Nagar First Street, Tirunindravur, Chennai - 602 024 having an extent of 1976 sq.ft bearing patta No. 39, comprised in dry S.No. 241/3A. After purchase, the petitioner had constructed a commercial complex in his property with proper building permission from the 1st

respondent by proceedings dated 30.03.2007. In front of the petitioner's property, on the eastern boundary, there exists a 20ft road maintained by the 1st respondent and between the 20ft road and the commercial complex, the petitioner had left vacant space for the convenience of his shop under the occupation of tenant. From the year 2014, in front of the petitioner's property, the 2nd respondent had dug channels thrice with the help of JCB to an extent of 3 ft x 100 ft to a depth of 3 ft and when the petitioner questioned the same, he was informed that as per the direction of the 1st respondent, the channel work was carried out in his property. Thereafter, no efforts were taken to close the channel causing hindrance to the free access to the petitioner's property. Though the petitioner made several representations in this regard to the 1st respondent, no action was taken. While so, the 2nd respondent, misusing his official capacity, once again, dug a channel in July, 2015 with the help of JCB, in front of the petitioner's property. Since, without even intimating the petitioner and without any notice to the petitioner, the channel work is carried out in the property of the petitioner, the petitioner made a representation dated 29.07.2015 to the respondents, in regard thereto, which is yet to be disposed of. Hence, the present writ petition.

3. Heard the learned counsel on either side.

4. Since the learned counsel for the 1st respondent submits that the representation of the petitioner dated 29.07.2015 is under consideration, the 1st respondent is directed to consider the said representation and pass appropriate orders, after hearing both the petitioner and the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

nv

To

1. The Executive Officer,
Tirunindravur Selection Grade
Panchayat,
Tirunindravur,
Chennai - 602 024.

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2. The Panchayat Councillor,
Ward No.11,
Mr. Arunachalam,
Tirunindravur Selection Grade
Panchayat, Tirunindravur,
Chennai - 602 024.

+1 cc to Mr.A.Sasikumar, Advocate, sr.43710

+1 cc to Mr.D.Suriyanarayanan, Advocate, sr.44105

W.P. No. 25181 of 2015

nm(co)
kra(1/9)



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