

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.18219 of 2014 &
M.P.Nos.1 & 2 of 2014 & 1 of 2015

M/s.Amar Prakaash Developerss Pvt. Ltd

rep. By its Authorized Signatory

Mr.M.Ramesh

... Petitioner

Vs.

1.The District Collector

Kancheepuram District

Kancheepuram 603 501.

2.The State of Tamilnadu

rep. By its Secretary

Local Administration

Fort St.George, Chennai 600 009.

3.The Commissioner

Kundrathur Panchayat Union

Padapai, Chennai 601 301.

4.The President

Thirumudivakkam Panchayat

Chennai 600 044.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to dispose of the petitioner's representation dated 30.06.2014, and consequently direct the first respondent to take action against the fourth respondent for his wrongful acts.

For Petitioner : Mr.Jana Govarthana

For Respondents : Mr.R.Vijayakumar - R1 & R2
Additional Government Pleader
Mrs.M.E.Raniselvam - R3
Mr.S.Ilanparithi - R4

O R D E R

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2. Heard Mr. Jana Govarthana, learned Counsel appearing for the petitioner, Mr. R. Vijayakumar, learned Additional Government Pleader appearing for first and second respondents, Mrs. M. E. Raniselvam, learned counsel appearing for third respondent and Mr. S. Ilanparithi, learned counsel appearing for the fourth respondent.

3. The petitioner seeks for issuance of writ of mandamus to direct the first respondent to dispose of their representation dated 30.06.2014, and consequently direct the first respondent to take action against the fourth respondent for his wrongful acts.

4. According to the petitioner, they are engaged in construction business and they have developed a project viz. 'The Royal Castle' consisting of 1437 residential units in Thirumudivakkam village, after obtaining permission from the Planning Development from CMDA vide their proceedings dated 20.02.2014 and they have also gifted portion of the lands for Roads and Street alignment to CMDA vide Gift Deed dated 07.05.2012. The petitioner would further submit that the fourth respondent has also gave 'No Objection' for putting up culvert to have access to the road in Survey No. 222/B. While so, on 27.6.2014, the third respondent put up a notice board in front of the entrance stating that the said property belongs to Panchayat. Hence, the petitioner approached the fourth respondent for removing the Board, but the fourth respondent threatened the petitioner to cause damage to the property and person. Hence, the petitioner gave a Police complaint before the Kundrathur Police and the same was acknowledged as CSR No. 371 of 2014. The petitioner has given a representation dated 30.06.2014. Since no action is forthcoming, the petitioner has come forward with the present writ petition.

5. The fourth respondent has filed a counter affidavit inter alia contending that the petitioner has suppressed several facts and a Suit has been filed in O.S. No. 267 of 2014, on the file of the District Munsif Court, Sriperumpudur, and the same is pending and the petitioner and his men are damaging the property of the Panchayat.

6. In the light of the disputes between the petitioner and the fourth respondent, this Court is of the view that the first respondent may consider the petitioner's representation dated 30.06.2014, on merits and in accordance with law, after issuing

notice the petitioner as well as to the fourth respondent and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

rpa

To

- 1.The District Collector
Kancheepuram District,
Kancheepuram 603 501.
- 2.The Secretary
Local Administration
Fort St.George, Chennai 600 009.
- 3.The Commissioner
Kundrathur Panchayat Union
Padapai, Chennai 601 301.
- 4.The President
Thirumudivakkam Panchayat,
Chennai 600 044.

1 cc to Mr.S.Ilanparithi, Advocate, sr. 8949
1 cc to Government Pleader, sr. 8789

W.P. No.18219 of 2014

VD (CO)
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