

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM
THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.30439 of 2015
and M.P.Nos.1 & 2 of 2015

P.Nedunchezhiyan

... Petitioner

-Vs-

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Block Development Officer (Scheme),
Thellar, Vandavasi,
Thiruvannamalai District.
3. The Assistant Director,
Handlooms and Textile Department,
1165, Main Road, Thendral Nagar,
Vengikal, Thiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the concerned record relating to the order in Na.Ka.Va.A.6/5050/2013 dated 18.08.2015 passed by the 2nd respondent and to quash the same.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.N.Srinivasan,
Additional Government Pleader (R2)
Mr.A.Kumar,
Special Government Pleader (R1 & R3)

ORDER

The petitioner was issued with the work order on 08.06.2015. The Condition no.5 of the work order says that the construction will have to be completed within three months. Thereafter, a communication was sent by the respondent no.2 to the respondent no.3 to cancel the work order in view of the objection raised by the President of the Panchayat Union, which requires a proper enquiry and consequently, a new beneficiary will have to be selected.

2.The learned counsel for the petitioner submitted that the construction is almost over. The order under challenge, being passed without hearing the petitioner, certainly has got civil consequences and affects the rights of the parties.

3.From a perusal of the order, it is clear that it is only a recommendation from the respondent no.2 to the respondent no.3. Thus, it is for the respondent no.3 to take appropriate action. Till an appropriate action is taken, the said order cannot affect the petitioner. It is only a communication sent by the respondent no.2 to respondent no.3. The respondent no.3 is the Competent Authority. Therefore, the petitioner cannot be said to be a person aggrieved as of now. Suffice, it is to state that in the event the respondent no.3 taking appropriate action, the petitioner, certainly, has to be heard.

4.With the above observation, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Block Development Officer (Scheme),
Thellar, Vandavasi,
Thiruvannamalai District.

3.The Assistant Director,
Handlooms and Textile Department,
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+1 cc to Mr.M.Gnanasekar,Advocate(sr.52615)

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cp 29/09/2015