



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P. (MD) No.12416 of 2015

R.Gnanadoss ... Petitioner
Vs.

- 1.The District Collector
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi Taluk, Virudhunagar District.
- 3.The Tahsildar,
Sivakasi Taluk, Virudhunagar District.
- 4.The Block Development Officer,
Vembakottai Panchayat Union,
Sivakasi Taluk, Virudhunagar District.

4.G.Chinnaiya ... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation, dated 15.05.2015 with regard to removal of encroachment put up by the 5th respondent in the public Road at D.No.1/83, Middle Street, Panayadipatti Village, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.B.Pugalenth
Spl.Govt.Pleader

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Former MLA of MDMK Party, as a Public Interest Litigant, has sought for a Writ of Mandamus, directing the respondents 1 to 4 herein, to consider his representation, dated 15.05.2015, for removal of encroachment allegedly put up by the 5th respondent, in the public Road at D.No.1/83, Middle Street, Panayadipatti Village, Sivakasi Taluk, Virudhunagar District.

2. Material on record discloses that on receipt of the representation, dated 15.05.2015, the Assistant Director, Rural Development, Virudhunagar District, has directed the Block Development Officer, Vembakottai Panchayat Union, Sivakasi Taluk, Virudhunagar District, to take action on the representation of the petitioner and thereafter, to inform the details. Within two months, the petitioner has rushed to this Court, contending interalia that no action is taken on

his representation and hence, sought for a Mandamus.

3. Writ of Mandamus can be issued only, if the respondents fail to discharge their duties. In the case on hand, action has already been taken on the representation and directions have been given to the Block Development Officer, Vembakottai Panchayat Union, Sivakasi Taluk, Virudhunagar District. Such being a case, Mandamus sought for, cannot be issued. However, we direct the Block Development Officer, Vembakottai Panchayat Union, Sivakasi Taluk, Virudhunagar District, respondent No.4, to act as per the directions and arrive at a logical conclusion on the above proceedings, as expeditiously as possible, after adhering to the principles of natural justice.

4. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-

The Assistant Registrar(writ)

/True copy/

Sub-Assistant Registrar

To

- 1.The District Collector
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi Taluk, Virudhunagar District.
- 3.The Tahsildar,
Sivakasi Taluk, Virudhunagar District.
- 4.The Block Development Officer,
Vembakottai Panchayat Union,
Sivakasi Taluk, Virudhunagar District.

+1cc to Mr.P.Subbaraj, Advocate SR.No.39801
+1cc to special Government Pleader, SR.No.403353

mpk

sm:GSV:Pm:21.8.2015:2P/7C

W.P. (MD) No.12416 of 2015
21.07.2015