



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.16292 of 2015

and

M.P (MD) No.1 of 2015

S.Vijayaraghavan

... Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Tahsildar,
Taluk Office,
Theni, Theni District.

3.The Project Officer,
Integrated Child Development Scheme,
Theni, Theni District.

4.The Executive Officer,
Town Panchayat,
Palanichetty Patti,
Theni District.

5.The Executive Officer,
Town Panchayat,
Veerapandi,
Theni District.

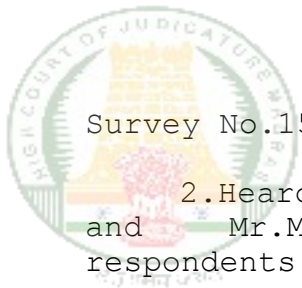
... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the first respondent to make detail enquiry and pass appropriate orders based on the petitioner's representation, dated 31.08.2015 regarding the proposed construction of Anganwadi building in Survey No.151 of Mariamman Koilpatti, Theni Taluk, Theni District within the time stipulated by this Court.

For petitioner : Mr.N.Tamilmani
For Respondents : Mr.M.Murugan
Govt. Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the first respondent to make detail enquiry and pass appropriate orders based on the petitioner's representation, dated 31.08.2015 regarding the proposed construction of Anganwadi building in



Survey No.151 of Mariamman Koilpatti, Theni Taluk, Theni District.

2. Heard Mr.N.Tamilmani, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner's father had purchased 2 Acre 59 cents in Survey No.151 of Mariamman Koilpatti Village, Theni Taluk, Theni District along with other properties by a registered sale deed, dated 02.07.1935 for a valuable sale consideration. From the date of purchase, the petitioner's father has been in continuous possession and enjoyment of the same. The Revenue Records were also changed in the name of petitioner's father subsequent to the execution of the sale deed. The petitioner's father died intestate on 07.07.2005 leaving behind the petitioner and his four brothers and one sister as his legal heirs. After the death of petitioner's father, his legal heirs are jointly enjoying the properties and the Revenue Records still stands in the name of petitioner's father. The said property is situated in the West side of Mariamman Koilpatti to Theni Main Road. At the instigation of fourth respondent, his men attempted to put up construction by obstructing the ingress and egress of petitioner's property and also including the portion of petitioner's patta land. When the petitioner questioned the act of the fourth respondent, he replied that as per the direction of the third respondent one Anganwadi Building is going to be constructed in that place. Hence, the petitioner has given a written complaint to the first respondent on 31.08.2015 and upon receiving the complaint, the first respondent gave a receipt for the same. Thereafter, no action was taken by the first respondent and hence, the petitioner has come forward with this Writ petition for the above stated relief.

4. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the third respondent to consider the representation of the petitioner, dated 31.08.2015 by affording an opportunity of hearing to the fourth respondent and pass appropriate orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner and it is for the third respondent to consider the same purely on merits.

5. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To
<https://hcservices.ecourts.gov.in/hcservices/>
1. The District Collector,
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Theni District.



2.The Tahsildar,
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Theni, Theni District.

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Integrated Child Development Scheme,
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4.The Executive Officer,
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Palanichetty Patti,
Theni District.

5.The Executive Officer,
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Veerapandi,
Theni District.

+1CC to Mr.V.TamilMani,Advocate, SR.No. 56895

+1CC to The Special Government Pleader SR.No. 57108.

W.P (MD) .No.16292 of 2015
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AM/08.10.2015/SK.SKN/3P/8C