



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.17270 of 2015

P.Palanichamy

...Petitioner

Vs.

1.The District Collector,
Tanjavur District,
Tanjavur.

2.The Block Development Officer,
Kumbakonam Union,
Kumbakonam,
Tanjavur District.

3.The Member Secretary,
Kumbakonam Local Planning Authority,
93/8, Kamarajar Road,
Kumbakonam,
Tanjavur District.

4.The President,
Annalagraharam Panchayat,
Annalagraharam,
Kumbakonam.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the representation, dated 19.01.2015.

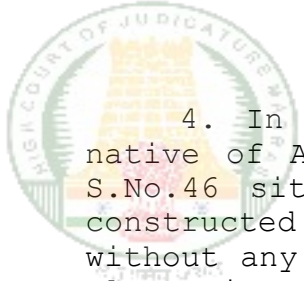
For petitioner : Mr.S.Chellapandian
For R-1 : Mr.K.Guru,
Additional Government Pleader, takes notice
For R-2 to R-4 : Mr.G.Muthukannan,
Government Advocate,takes notice

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to consider the representation, dated 19.01.2015 and pass orders within a stipulated time.

2. Mr.K.Guru, learned Additional Government Pleader takes notice for R-1 and Mr.G.Muthukannan, learned Government Advocate takes notice for R-2 to R-4.

<https://hcservices.courts.gov.in/hcservices/> By consent, the Writ Petition itself is taken up for final disposal.



4. In the affidavit it has been averred that the petitioner is a native of Annalagraharam Village and he had purchased a house plot in S.No.46 situated at Kumbakonam Taluk, Annalagraharam Village and had constructed a house in the said plot and he is residing in the said house without any hindrance. The said area is called as Samu Nagar. All the plots situated in Samu Nagar at Survey No.46 were legally approved by the competent authority and the same was declared as residential zone. While the matter stood thus, one Sairajan from Kumbakonam Town has constructed a rice mill in Samu Nagar near the residence of the petitioner. Though the entire samu nagar was classified as a residential zone, the said rice mill was illegally established without following the due process of law. The said establishment of the rice mill caused inconvenience not only to the petitioner but also to the other residents also. Thereafter, the petitioner came to know that the said Sairajan has obtained approval from the competent authority only to construct a residential house. When the petitioner questioned about the same, the said Sairajan threatened him with dire consequences. Hence, the petitioner has made a representation to the first respondent on 19.01.2015 by narrating all the facts and he has also sent a reminder on 19.02.2015. Thereafter, the complaint was sent to the District Environment Engineer and the same was forwarded to the third respondent through his proceedings, dated 17.02.2015. The third respondent has also intimated the first respondent that they have already initiated action against the said rice mill through proceedings, dated 20.06.2015. But the said rice mill is operating till today. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the petitioner to give a copy of the representation, dated 19.01.2015 to the first respondent along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties including the said Sairajan, within a period of six weeks thereafter.

With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar(AE)

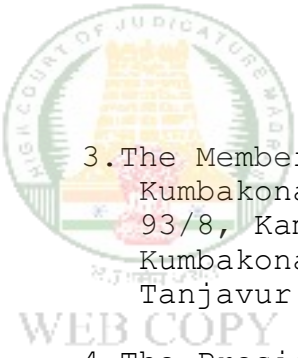
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Sub Assistant Registrar.

To

1.The District Collector,
Tanjavur District,
Tanjavur.

2.The Block Development Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
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3.The Member Secretary,
Kumbakonam Local Planning Authority,
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4.The President,
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+1CC to Mr.S.Chellapandian, Advocate, SR.No. 56224.

+1CC to The Special Government Pleader SR.No. 56383.

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AM/07.10.2015/DP/SAR-I/3P/7C