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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2015

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THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.17355 of 2015

and

M.P(MD)No.1 of 2015

P.Kamatchiammal

...Petitioner

Vs.

1.The Deputy Secretary to Government,
Home Department,
Secretariat,
Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsidar,
Devakottai Taluk,
Sivagangai District.

4.The President,
Anumanthakudi Village Panchayat,
Devakottai Taluk,
Sivagangai District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to implement the order passed by the first respondent, dated 02.01.1967 by considering the petitioner's representation, dated 01.07.2015 within the time limit that may be stipulated by this Court.

For petitioner : Mr.M.Vinoth Singh Misra
For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to implement the order passed by the first respondent, dated 02.01.1967 by considering the petitioner's representation, dated 01.07.2015 within a stipulated time.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.



3. By consent, this Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the Nanja land in Survey Nos. 110/2A and 110/3A at Anumanthakudi Village, Devakottai Taluk in Patta No. 1335 belongs to the father-in-law of the petitioner namely Muthurama Pillai and after his demise, the husband of the petitioner cultivated the said land for a long time and patta, chitta and adangal and all the revenue records are standing in the name of the petitioner. While so, the first respondent has passed an order, dated 02.01.1967 based on the objection petition submitted by the father-in-law of the petitioner for the provision of pathway to Harijan Colony over their land and the said order is in force all along. Now, despite the order passed by the first respondent, the fourth respondent is trying to lay a cement road in the petitioner's land without following the due process of law. Hence, the petitioner has made a representation to the respondents 1 and 2, dated 01.07.2015 to stop laying the cement road on the petitioner's patta land. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the matter, this Court directs the second respondent to consider the representation of the petitioner, dated 01.07.2015 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, by affording an opportunity of hearing to all the necessary parties. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

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

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Secretary to Government,
Home Department, Secretariat, Chennai.
2. The District Collector, Sivagangai District, Sivagangai.
3. The Tahsildar, Devakottai Taluk, Sivagangai District.
4. The President, Anumanthakudi Village Panchayat,
Devakottai Taluk, Sivagangai District.

+1cc to Mr. D. Selvanayagam, Advocate Sr. No. 57312

akm/08.10.2015 /2p-6c/

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