



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.09.2015**

WEB COPY

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

W.P (MD) .No.17629 of 2015

R.Raja Gopal

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The President,
Narasingam Panchayath,
Narasingam,
Othakadai Taluk,
Madurai District.

...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 give suitable instructions to the second respondent to receive the petitioner's petition, dated 02.09.2015 and to give necessary concurrence to commence the water plant in the petitioner's property in Survey No.54/11 and 52/3 in Narasingam Village, Othakadai Taluk, Madurai District by considering the petitioner's representation, dated 05.09.2015 within the period stipulated by this Court.

For petitioner : Mr.A.Haja Mohideen

For R-1 : Mr.M.Murugan,

Government Advocate takes Notice

For R-2 : Mr.K.P.Krishnadoss

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to give suitable instructions to the second respondent to receive the petitioner's petition, dated 02.09.2015 and to give necessary concurrence to commence the water plant in the petitioner's property in Survey No.54/11 and 52/3 in Narasingam Village, Othakadai Taluk, Madurai District by considering his representation, dated 05.09.2015 within a stipulated time.



2. Mr.M.Murugan, learned Government Advocate takes notice for the first respondent and Mr.K.P.Krishnadoss, learned Additional Government Pleader takes for the second respondent.

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

4. In the affidavit it has been averred that the petitioner is the owner of the property measuring to an extent of 1 Acre 25 cents in Survey No.54/11 and 52/3 in Narasingam Village, Othakadai Taluk, Madurai District and he has got patta No.1408 for the said property. The petitioner decided to start water plant in the said property. For the said purpose, the petitioner approached one Exel Water Systems Private Limited Company for installing the plant. They have prepared the project and gave a detailed report on 02.09.2015. The petitioner is also taking all steps to raise necessary funds. The petitioner was advised to approach the second respondent to get no objection certificate for commencing the project. Therefore, the petitioner has made an application before the second respondent on 02.09.2015 by enclosing the patta copy. But the second respondent returned the same and refused to give no objection certificate. Hence, the petitioner has made a representation to the first respondent on 05.09.2015 requesting him to give suitable direction to the second respondent to pass orders on the application submitted by the petitioner. The said representation was not considered so far. 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 fresh application along with all necessary documents to the second respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second 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 the petitioner, within a period of three weeks thereafter.

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

Sd/-
Assistant Registrar

Sub Assistant Registrar



To வெள்ளை மன்றம்

1.The District Collector,
Madurai District,
Madurai.

2.The President,
Narasingam Panchayath,
Narasingam,
Othakadai Taluk,
Madurai District.

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.57725

pm

AA/JBG/13.10.2015/3p-4c

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30.09.2015