



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.781 of 2011

Shanmugavel

... Petitioner

Vs.

- 1.The President,
Ariyakulam Village Panchayat,
Melakulam Post, Palayamkottai,
Tirunelveli District.
- 2.The Deputy Director of Town Planning,
Tirunelveli Local Town Authority,
Trivandrum Road, Palayamkottai,
Tirunelveli District.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Maharaja Nagar, Tirunelveli Zone,
Tirunelveli - 11.
- 4.The Junior Engineer,
Tamil Nadu Electricity Board,
K.T.C.Nagar, Tirunelveli - 11.
- 5.Vaseekara Thilagar,
- 6.Armugasamy
- 7.T.Karthikeyan
- 8.Santha (Dismissed vide court order dated 25.10.2013 for R8)
- 9.Selvabala
- 10.M.K.M.Mohammed Nahib
- 11.Syed Ali
- 12.Asupathi
- 13.Thangamani
- (R13 impleaded as party respondent
vide order dated 08.11.2011 and made in MP.1/2011)

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 24.12.2010 within a time stipulated by this Court.

For Petitioner
For Respondents

: Mr.S.Yasar Arafath
: Mr.M.Murugan, G.A.for R2
Mr.G.Kasinathadurai for R3 and R4
Mr.T.R.Jeyapalan for R5
Mr.G.Thalaimutharasu for R6
Mr.Y.Masood for R7
Mr.Meenashisundaram for R9
Mr.S.P.Maharajan for R10, 11 and 12
Mr.D.Anbarasau for R13
No appearance for R1



ORDER

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 24.12.2010 within a time stipulated by this Court.

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2.The case of the petitioner is that a suit in O.S.No.708 of 1985 has been filed before the I Additional District Munsif Court, Tirunelveli, in respect of the land in Survey Nos.46/2 and 46/3 in Ariyakulam Panchayat, Uthamapandiankulam Village, Palayamkottai Taluk and by judgment and decree dated 30.12.2004, the suit was decreed in favour of the wife of the petitioner. Challenging the same, an appeal in A.S.No.38 of 2005 has been filed and the appeal has been dismissed by confirming the judgment and decree of the Trial Court. As against the same, a batch of Second Appeals have been filed in S.A.Nos.288 of 2006 etc., which are pending before this Court. In the second appeals, an interim injunction has been granted in M.P.No.1 of 2007 in S.A.No.630 of 2007 restraining one Thangaraj Nadar and the 5th respondent herein from alienating or encumbering the above said lands. However, the 5th respondent is trying to alienate the property. Therefore, the petitioner filed a petition in M.P.No.1 of 2007 in S.A.No.630 of 2007 against the respondents 5, 6 to 12 herein for the willful disobedience of the injunction order granted by this Court, while so, the 5th respondent has plotted out the above said land in favour of the respondents 6 to 12 and the said land in Survey Nos.46/2 and 46/3 are classified as Ayan Punja and the same were not re-classified as Housing Plots.

3.In these circumstances, the respondents 6 to 12 are trying to construct houses in the said land. They are also attempting to get building plan approval from the 1st respondent and electricity connection from the respondents 2 to 4. Hence, the petitioner made a representation on 24.12.2010 to the respondents 1 to 4 stating all the above facts, not to give electricity connection or building plan approval to the respondents 6 to 12 without giving notice to him. Since no steps have been taken, the petitioner is before this Court with the present Writ petition.

4.Heard the learned counsel on either side and perused the entire records.

5.It is seen that the petitioner made the representation on 24.12.2010 and now 5 years have lapsed from the date of representation. In such circumstances, this Court cannot direct the official respondents to consider the representation of the petitioner. At this length of time, if any order had been passed in favour of the respondents 6 to 12 by the authorities by effecting electricity connection, the petitioner is at liberty to challenge the same in the manner known to law.

6.In view of the above, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/



To

1. The President,
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Tirunelveli District.
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4. The Junior Engineer,
Tamil Nadu Electricity Board,
K.T.C.Nagar, Tirunelveli - 11.

+1cc to Mr.G.Kasinathadurai, Advocate SR.No.47919
+1cc to Mr.G.Thalaimutharasu, Advocate SR.No.48442
+1cc to Mr.S.P.Maharajan, Advocate SR.No.47948

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nbj

NS/AN-MP/SAR I/08.09.2015 : 3P/8C