

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13476 of 2016

R.Arputhavalli

.. Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Village Administrative Officer,
V.Agaram,
Villupuram Taluk & District.

3. Mr.Viji

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 21.03.2016 and consequently remove the demolished house at Survey No.562/2, V.Agaram Madura, Purushanur Village, Villupuram Taluk and District.

For Petitioner : Mr.C.Munusamy

For Respondents:Mr.M.Dig Vijay Pandian, Addl.G.P. for RR-1 & 2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 21.03.2016 and consequently remove the demolished house at Survey No.562/2, V.Agaram Madura, Purushanur Village, Villupuram Taluk and District.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that she is living in the above said place in a thatched house from time immemorial and paying electricity and water connection charges and also paying Kist to the Government for decades together. There are 23 dwelling houses available in that area and the persons like the petitioner are living there for decades together without any hindrance. The petitioner, a widow, is doing Coolie work on daily wage basis for her livelihood. It is the grievance of the petitioner that taking advantage of the petitioner's pathetic and pitiabile situation, the

hooligans, with the support of the Government officials, had demolished the petitioner's thatched house on 20.02.2016 with the help of JCB, when the petitioner was sleeping in her house. Thereafter, on 21.03.2016, the petitioner gave complaint to the first respondent to take suitable legal action and also for restoration of her house. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides. In view of the order that is going to be passed in this Writ Petition, it is not necessary to issue notice to the third respondent.

4. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the first respondent to consider the said representation of the petitioner, dated 21.03.2016, conduct enquiry, afford an opportunity of personal hearing to the petitioner and necessary parties including the second and third respondents, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the first respondent to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cs

Copy to

1. The District Collector,
Villupuram District,
Villupuram.
2. The Village Administrative Officer,
V.Agaram, Villupuram Taluk & District.

1 cc to Mr.C. Munusamy, Advocate, Sr. 22492
1 cc to Government Pleader, Sr. 23167

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VGI (CO)
kk 2/5