

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14181 of 2016

1.G.Shanmugam

2.M.Malliga

.. Petitioners

Versus

1.The District Collector,
Office of the District Collector,
Cuddalore, Cuddalore District.

2.The Commissioner,
Chidambaram Municipality,
Chidambaram.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the second respondent to consider the representation of the petitioners dated 08.02.2016 and pass orders by implementing the resolution passed by the second respondent dated 28.03.2012 in Resolution No.998, within the stipulated time fixed by this Court.

For Petitioners : Mr.T.Balaji

For Respondents : Mr.Rajeswaran
Special Government Pleader of R1

Mr.S.V.Durai Solaimalai

Addl. Govt. Pleader for R2

O R D E R

Heard Mr.T.Balaji, learned counsel appearing for the petitioner, and Mr.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the first respondent and Mr.S.V.Durai Solaimalai, learned Additional Government Pleader, accepting notice on behalf of the second respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioners have filed the above Writ Petition for issuance of a Writ of Mandamus, to direct the second respondent to consider their representation dated 08.02.2016 and pass orders by implementing the resolution passed by the second respondent dated 28.03.2012 in Resolution No.998, within the stipulated time fixed by this Court.

3. The petitioners' grievance is that the road which was in existence in the property in question was required to be immediately repaired, as it has become unusable and though the second respondent has passed a Resolution to the said effect, on 28.03.2012, in entirety, the same has not been carried out. Therefore, the petitioners have submitted a representation and they seek for direction to the second respondent to consider their representation.

4. Mr.S.V.Durai Solaimalai, learned Additional Government Pleader, appearing for the respondent-Municipality submitted that as per the Revenue Records, the said lands are owned by two private persons viz., Mr.Muthu Krishnan and Tmt.Thara. Therefore, those private persons are objecting to the proposal to lay the road. It appears that an Association called as Chidambram Fisherman Co-operative Society along with two other persons had filed a Suit in O.S.No.91 of 1999, on the file of Principal District Munsif Court, Chidambaram, against the said Muthukrishnan, Thara and Ramasamy, for permanent injunction to restrain them from interfering with the peaceful possession and enjoyment of the suit property.

5. Though in the counter affidavit filed by the second respondent, it is stated that the Suit was dismissed, from the photostat copy of the judgment dated 14.11.2014, it is seen that the Suit has been decreed and a decree of permanent injunction has been granted.

6. Considering the fact that the representation is pending before the second respondent in the fitness of things, it will be appropriate to direct the second respondent to consider the same, after issuing notice to the petitioners; The Chidambram Fisherman Co-operative Society; as well as Thiru.Muthu Krishnan, Thiru.Ramasamy and Mrs.Thara, who are defendants in the said Suit and after affording an opportunity of personal hearing to both parties, pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

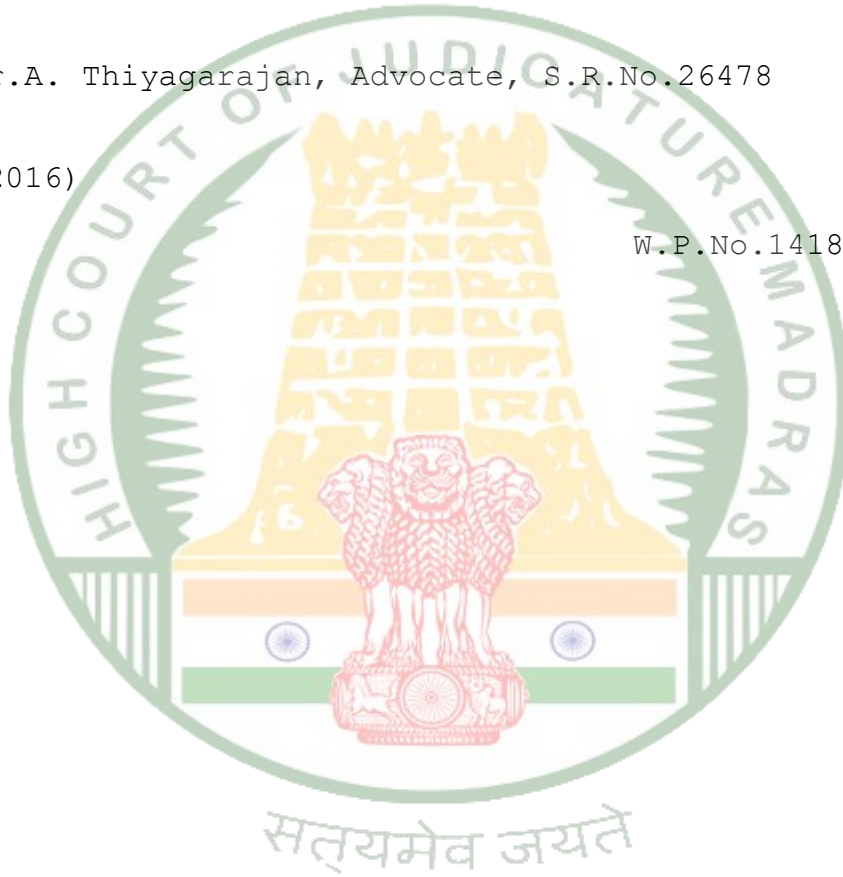
1.The District Collector,
Office of the District Collector,
Cuddalore, Cuddalore District.

2.The Commissioner,
Chidambaram Municipality,
Chidambaram.

+lcc to Mr.A. Thiagarajan, Advocate, S.R.No.26478

CA(CO)
EU(31/05/2016)

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