

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4187 of 2016

and

W.M.P.No.3502 of 2016

K.Shanmugam Petitioner

vs.

- 1 The District Collector
Collectorate Office
Tiruvannamalai.
 - 2 The Project Officer
The Department of Rural Development
Tiruvannamalai District.
 - 3 The Block Development Officer
Thandrampattu Town Panchayat
Thandrampattu Taluk
Tiruvannamalai District.
 - 4 The President
Varagoor Village and Post
Thandrampattu Taluk
Tiruvannamalai District.
- Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 25.01.2016 requesting not to put up construction affecting the pathway leading to petitioner's residence situated at Mariamman Koil Street, Varagoor Village, Thandrampattu Taluk, Tiruvannamalai District.

For Petitioner : Mr.S.Silambuselvan
For Respondents : Mr.S.Navaneethan
Additional Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the 1st respondent to consider his representation dated 25.01.2016 requesting not to put up construction affecting the pathway leading to petitioner's residence situated at Mariamman Koil Street, Varagoor Village, Thandrapattu Taluk, Tiruvannamalai District.

2. The petitioner is residing in Varagoor Village, Thandrapattu Taluk, Tiruvannamalai District. The petitioner was born and brought up in the said village. The southern side of the petitioner's house is abutting the road and that is the only way to enter the petitioner's house. The Panchayat Office situates just opposite to the southern side of the petitioner's residence is in dilapidated condition ever since 1971. The distance between the petitioner's house and the Panchayat Office is about 13 feet. Subsequent to the pulling down of the building, the Panchayat Office was shifted near to the Mariamman Koil Temple at the western end of the street. The fourth respondent is attempting to put up a new construction of Community Hall under the scheme called Mahatma Gandhi National Rural Employment Scheme. The petitioner has no objection for the construction of the said building. But the respondents are trying to put up the construction affecting the pathway to the petitioner's house. Therefore, in this regard the petitioner gave a representation to the first respondent. The said representation was not considered. Hence, the petition.

3. I have heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 25.01.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The District Collector
Collectorate Office
Tiruvannamalai.
- 2 The Project Officer
The Department of Rural Development
Tiruvannamalai District.
- 3 The Block Development Officer
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- 4 The President
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Tiruvannamalai District.

+1 cc to Mr.S.Silambuselvan Advocate sr.8003
+1 cc to Mrs.A.Bharathi Advocate sr.7988
+1 cc to the Government Pleader sr.8192

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aa10/02/2016