



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.7673 of 2015

and

M.P (MD) No.1 of 2015

G.Krishnamoorthy

...Petitioner

Vs.

1.The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Nilakottai Taluk,
Dindigul District.

2.G.Chandra Mohan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to provide sufficient opportunity to the petitioner to produce documents and to rectify the defects, if any, pursuant to the proceedings of the first respondent in Na.Ka.No.841/2012/A1, dated 21.04.2015, regarding the building property in Door No.13-1-59, Batlagundu Town, Dindigul District, which is made out by the second respondent in his complaint dated 14.12.2014.

For Petitioner : Mr.M.C.Swamy
For Respondents : Mr.G.Muthukannan,
Govt. Advocate for R.1

O R D E R

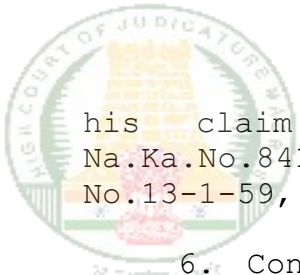
This writ petition is filed seeking a Writ of Mandamus to direct the first respondent to provide sufficient opportunity to the petitioner to produce documents and to rectify the defects, if any, pursuant to the proceedings of the first respondent in Na.Ka.No.841/2012/A1, dated 21.04.2015, regarding the property in Door No.13-1-59, Batlagundu Town, Dindigul District, which is made out by the second respondent in his complaint dated 14.12.2014.

2. Mr.G.Muthukannan, learned Government Advocate takes notice for the first respondent. In view of the nature of the relief sought for by the petitioner, notice to the second respondent, is dispensed with.

3. By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4. Heard both sides.

5. Though the petitioner has sought for the relief as above, the learned Counsel for the petitioner would submit that it would suffice, if the petitioner is permitted to adduce documentary evidence to prove



his claim over the proceedings of the first respondent in Na.Ka.No.841/2012/A1, dated 21.04.2015, regarding the property in Door No.13-1-59, Batlagundu Town, Dindigul District.

6. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, permits the petitioner to approach the first respondent with all necessary documentary evidence so as to prove his claim within a period of two weeks from the date of receipt of a copy of this order and the first respondent shall consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as to the second respondent, within a period of four weeks thereafter. Till such time, no coercive steps shall be initiated in this regard. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

7. The writ petition is disposed of as above. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Nilakottai Taluk,
Dindigul District.

+1CC to M/s.M.C.Swamy, Advocate in SR.24124

+1CC to M/s.G.Muthukannan, Advocate in SR.24250

W.P(MD)No.7673 of 2015
and

M.P(MD)No.1 of 2015
30.04.2015

rsb

PBK 04/05/2015 ::2P-4C: (IT)