



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10877 of 2016

V.Muniasamy

... Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariapatti Taluk,
Kariapatti,
Virudhunagar District.

3.The Executive Officer,
Kariapatti Town Panchayat,
Kariapatti,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent for instructing the 2nd and 3rd respondents to consider the petitioner's representation dated 12.04.2016 for framing the street as per sale deed Reg.No.657 dated 15.07.1987, house Survey No.39/14 (Old Survey No.4/8A) and Patta No.294.

For Petitioner : Mr.J.M.Devadoss

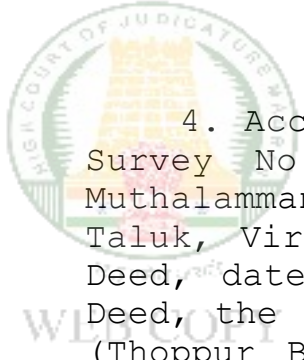
For Respondents : Mr. N.S.Karthikeyan
(R1 and R3) Govt.Advocate

ORDER

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.



4. According to the Petitioner, he purchased the house bearing Survey No.39/14 (Old Survey No.4/8A), Door No.7, Ward No.5, Muthalamman Kovil South Street, 1st Lane, Achampatti, Kariapatti Taluk, Virudhunagar District, in the year 1987, by means of Sale Deed, dated 15.07.1987. As a matter of fact, in the said Sale Deed, the southern boundary is mentioned as "Thoppur Vandhi Pathai" (Thoppur Bullock Cart Track), which passes in the west to east direction was used by the people, as a common public street. As a matter of fact, when the Kariapatti Union Office building was constructed, it blocked the western portion of the Cart Track. Further, from the eastern boundary wall of the Kariapatti Union Office, the Bullock Cart Track was not blocked and it was used by the people. Now, the eastern portion of the Thoppur Bullock Cart Track is narrow down and not apparently visible on the ground.

5. At this stage, the Learned Counsel for the Petitioner urges before this Court that the Petitioner's house is very old and it needs repair and reconstruction works immediately. Otherwise, it may collapse. Therefore, it is represented on behalf of the Petitioner that it is utmost essential to frame the street to his house, as per the records. In order to re-frame the street, he had submitted his representation, dated 12.04.2016, addressed to the First Respondent and endorsed the copy of the said representation to the Second and Third Respondents. Even though the Respondents had acknowledged the representation, no action is taken, till date. Hence, he has filed the present Writ Petition.

6. Per contra, the Learned Additional Government Pleader appearing for Respondents 1 to 3 submits that the Third Respondent had addressed a communication to the Second Respondent / Tahsildar, Kariapatti Taluk, Virudhunagar District in June 2016, for measuring the Petitioner's property and the lane and the entire process would be completed within a month.

7. In view of the above, and also this Court taking note of the fact that the Petitioner's representation, dated 12.04.2016, is taken note of by the Third Respondent / Executive Officer, Kariapatti Town Panchayat, Kariapatti, and action is being initiated, at this juncture, this Court, without going into the merits and contents of the representation of the Petitioner, dated 12.04.2016, simpliciter, in the interest of justice a Fair Play, directs the Second Respondent / Tahsildar, Kariapatti Taluk, Virudhunagar District, to look into the representation of the Petitioner, dated 12.04.2016 and to expedite the activities in question, within a period of four weeks from the date of receipt of a copy of this order and also to dispose of the representation of the Petitioner, dated 12.04.2016, by passing a reasoned and speaking order, on merits, in a fair, free, unbiased and ~~dispassionate~~ manner (Of-course, after providing necessary opportunity to the Petitioner and others concerned, by following the principles of natural justice). The Petitioner is also



directed to render his assistance and co-operation to the Second Respondent / Tahsildar, Kariapatti Taluk, Virudhunagar District, so as to enable him to dispose of his representation, dated 12.04.2016, within the time determined by this Court.

8. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

MPK
To

1. The District Collector, Virudhunagar District,
Virudhunagar.
2. The Tahsildar, Kariapatti Taluk,
Kariapatti, Virudhunagar District.
3. The Executive Officer, Kariapatti Town Panchayat,
Kariapatti, Virudhunagar District.

+2CC to Mr.J.M.Devadoss Advocate Sr.No.36633
+1CC to Spl.Government Pleader Sr.No.37155

GJM/ARK/PV/21.7.16-2p-7c

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