



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.13100 of 2016

R.David

...Petitioner

Vs.

1.The Executive Officer,
Kallukootam Town Panchayat,
Kallukootam,
Kalkulam Taluk,
Kanyakumari District.

2.Subithan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 19.03.2016.

For petitioner : Ms.Yoheswari
for M/s.B.Chamundi Bose
For R.1 : Mr.G.Muthukannan

ORDER

Mr.R.David has come forward with the present Writ Petition stating that his mother one Maria Thangam purchased a house including a vacant site in old S.No.6833, New S.No.736/1 in Lekshmipuram Village, Kallukottam Town Panchayat limits, from one Nagamany, Rasammal and Chellappan, by virtue of a registered sale deed, dated 19.02.1998 and thereafter, she sold away the aforementioned property to the petitioner. While so, since the second respondent herein disturbed the petitioner with respect to wall belonging to the petitioner, the petitioner filed a Civil Suit in O.S.No.10 of 2016, on the file of the Principal District Munsif Court, Eraniel and the same is still pending. When that being the factual position, the second respondent, without obtaining plan approval from the first respondent, started construction in the disputed area in question. Stating all these facts, the petitioner sent a representation to the first respondent on 19.03.2016, but, the same did not evoke any response, sofar, forcing the petitioner to file this present Writ Petition.

2. Mr.G.Muthu Kannan, learned Government Advocate was put on notice for the first respondent. Since this Court is not
<https://hccservices.courts.gov.in/services> any adverse order against the second respondent, this matter is disposed of, at the admission stage, without giving notice to the second respondent.



3. In view of the above, this Court only directs the first respondent to consider the representation of the petitioner, dated 19.03.2016, on merits and in accordance with law, after giving due notice to the second respondent and pass appropriate orders, within a period of four 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 matter.

4. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Executive Officer,
Kallukootam Town Panchayat,
Kallukootam,
Kalkulam Taluk,
Kanyakumari District.

+1cc to M/s.B.Chamundi Bose, Advocate in SR.39589

W.P(MD) .No.13100 of 2016
26.07.2016

ssm

PBK/GSV-PM 02/08/2016 ::2P-3C::