



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No. 14952 of 2016

Pala Raman

..Petitioner

Vs

- 1.The District Elementary Educational Officer,
Karur.
- 2.The Assistant Elementary Educational Officer,
Krishnarayapuram,
Karur 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 respondents to consider the Petitioner's representation dated 11.09.2015 and to dispose of the same within the time frame in accordance with law.

For Petitioner :M/s.RM.Sivakumar

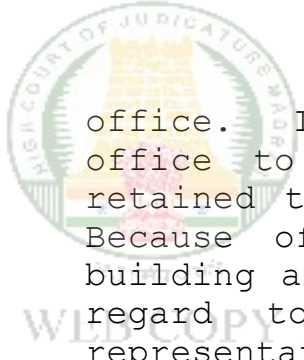
For Respondents :Mr.V.Muruganandam
1 and 2 Addl.Govt.PleaderORDER

Heard both sides.

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

3.No counter is filed on behalf of the Respondents. No.1 and 2.

4.It transpires from the affidavit of the Petitioner that he owns a building in S.F..No.113/17, Krishnarayapuram Village, Krishnarayapuram Taluk, Karur District bearing D.No.179-E and has a Electricity Connection No.1146. As a matter of fact, the Second Respondent/The Assistant Elementary Educational Officer, Krishnarayapuram, Karur District took out the aforesaid building from the Petitioner to run their office on monthly rental basis during the year 2010. There was an agreement between the Second Respondent and the Petitioner, wherein, the Second Respondent agreed to pay a monthly rent of Rs.6,500/-. After taking possession of the said building, the Second Respondent was running his



office. In the meanwhile, the Second Respondent shifted their office to some other building. However, at the same time, retained the Petitioner's building, also for their official use. Because of the wilful neglect to maintain the Petitioner's building and wilful default committed by the Second Respondent in regard to the payment of rents, the Petitioner sent a representation to the Second Respondent on 25.7.2012 through registered post. The said representation was received by the Respondents, however, they have not handed over the building to the Petitioner. As such, another representation, dated 2.9.2013 was sent by the Petitioner to both the Respondents claiming the same relief. This time also, there is no response from the Respondents.

5.The specific stand of the Petitioner is that in the meantime, the National Highways Authority had acquired land for laying road and in the said acquisition, a part of the above said building was also taken by them after issuing due notice to the Petitioner and the Respondents herein. Furthermore, the Petitioner had informed the Respondents about the acquisition and asked them to vacate the building etc,, but the Respondents had maintained silence. Therefore, the National Highways Authority had acquired certain portion of the building and demolished the same. The building is still under the care and custody of the Second Respondent. In fact, the Petitioner sent a representation, dated 11.9.2015 and the same was not considered by the Respondents.

6.It comes to be known that the Petitioner had addressed a representation dated 11.09.2015 through Registered Post to the Respondents and the same is pending. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra.

7.Considering the fact that the Petitioner's representation, dated 11.09.2015 is pending as on date, without any progress or disposal, this Court, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the First Respondent to look into the representation of the Petitioner, dated 11.09.2015 and to dispose of the same on by passing a reasoned speaking order, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all necessary/relevant documents before the First Respondent and the First Respondent in turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 11.09.2015. The Petitioner is directed to lend his assistance and co-operation to the First Respondent, in disposing of his representation, dated 11.09.2015 within the time frame fixed by this Court.



8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Karur.

2. The Assistant Elementary Educational Officer,
Krishnarayapuram,
Karur District.

+1cc to Mr. R. M. SIVAKUMAR, ADVOCATE SR NO: 44848

+1cc to M/S. THE SPECIAL GOVERNMENT PLEADER, SR NO: 44915

JA-AAL-MPA-23.08.2016/3P:5C

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