



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17618 of 2016

WEB COPY

R.Magaeshwari

... Petitioner

vs.

- 1) The District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
Devakottai.
3. The Commissioner,
Devakottai Municipality Office,
Devakottai.
4. The Chairman,
Devakottai Municipality Office,
Devakottai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to remove the water tank constructed on the pathway to petitioner's land situated in T.S.No.14 Ward D, Block No.3, North Srirangapuram Street, in Eravuchari group, Devakottai Town, Devakottai Taluk within stipulated time by considering the petitioner representation dated 06.06.2016.

For Petitioner : Mr.S.M.S.Johnny Basha

For Respondents : Mr.S.Kumar,

Additional Government Pleader

ORDER

This Writ of Mandamus has been filed seeking a direction to the respondents to consider the representation dated 06.06.2016, by which the petitioner sought for removal of water tank constructed in the pathway leading to petitioner's land in T.S.No.14 Ward D, Block No.3, North Srirangapuram Street, in Eravuchari group, Devakottai Town, Devakottai Taluk.

2. It is the case of the petitioner that she and her sisters are the owners of the abovesaid property. When she visited their property, she found a water tank belonging to the 3rd respondent Municipality had been constructed blocking the pathway leading to their property.

3. It is the grievance of the petitioner that despite her representation dated 06.06.2016, neither the respondent Municipality removed the water tank, nor has passed an order rejecting her request.



4.The learned counsel for the petitioner submitted that petitioner's neighbour one Kathirvel son of Sivaraman, has given no objection for removal of water tank.

5.It is not absolute no objection. It has an rider that the tank should be placed near his house.

6.In the circumstances, the 3rd respondent is directed to consider the representation of the petitioner dated 06.06.2016 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. While considering the same, the 3rd respondent shall enquire the petitioner, the said Kathirvel and others concerned.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1)The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai.

3.The Commissioner,
Devakottai Municipality Office,
Devakottai.

4.The Chairman,
Devakottai Municipality Office,
Devakottai.

+One cc to The Special Government Pleader, SR.No.53949

+One cc to Mr.S.M.S.Johnny Basha, Advocate, SR.No.53135

sj

RL/7C/2P/AAL/MPA/7.10.2016

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