



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

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**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**  
**and**  
**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

W.P (MD) .No.18050 of 2016

T.Ravi

... Petitioner

Vs

1.The Block Development Officer,  
(Village Panchayat),  
Kadayam, Tirunelveli District.

2.The Tashildar,  
Ambasamudram Taluk, Tirunelveli District.

3.The President,  
Kadayam First Grade Village Panchayat,  
Kadayam, Tirunelveli District.

4.S.Pavalakodi ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd Respondent to remove the encroachments made by the 4th Respondent in Survey No.570/25 of Kadayam Village, Ambasamudram Taluk, Tirunelveli District, in pursuant to the communication made by the 2nd Respondent dated 3.8.2016 in Na.Ka.No.A4/245/2016.

For Petitioner :Mr.V.Sasikumar

For R.1 & 3 :Mr.Ayiram K.Selvakumar  
Government Advocate

For R.2 :Mr.VR.Shanmuganathan  
Special Government Pleader

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ORDER

[Order of the Court was made by  
M.SATHYANARAYANAN, J.]

<https://hcservices.ecourts.gov.in/hcservices/> By consent, the Writ Petition itself is taken up for final disposal. Since this Court is not going to pass any adverse

order against the fourth respondent, notice to her is dispensed with.

2. The petitioner claims that he is the owner of the property admeasuring to an extent of 1058.75 Sq.ft and the pathway consisting in Natham Village Survey No.257 to 864/1 of South Kadayam, Ambasamuthram Taluk, Tirunelveli District. He would further state that he has put up construction in the said property. It is further submitted by him that there is a pathway in S.Nos.570/25 and 570/29, in which, the fourth respondent has put up tin-sheet and constructed a small hotel in that survey numbers. According to the petitioner, the said pathway is used as the public pathway by the residents of the locality concerned and on account of running of the hotel by the fourth respondent, the access is blocked by him. In this regard, the petitioner submitted a representation to the third respondent on 21.04.2016 and also applied necessary information under the Right to Information Act, 2005 and came to know that the third respondent has granted license to the fourth respondent herein to put up the said hotel. It is his further submission that since the said representation having not been responded by the third respondent, the petitioner came forward with this Writ Petition.

3. When this Court posed a specific question as to whether the construction puts up by the petitioner is in accordance with the planning permission, he is unable to answer to the said question.

4. This Court heard submissions of the learned Counsel for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice for the respondents 1&2 and perused the materials produced before us.

5. A perusal of the affidavit filed in support of the Writ Petition would show that the first respondent has sent a communication to the third respondent on 03.08.2016 to cancel the license granted to the fourth respondent for running the said hotel. However, though the petitioner has prayed for a larger relief in this Writ Petition, in the light of the facts and circumstances, without going into the merits of the case, as projected by the petitioner, either in his representation or in this Writ Petition, this Court directs the second respondent to consider the grievance of the petitioner. In this regard, the petitioner is directed to send one more representation to the second respondent along with a copy of this order as well as the representation already sent to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall put on notice the respondents 3 and 4 and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of such representation.



costs.

In the result, this Writ Petition is disposed of. No

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Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Block Development Officer,  
(Village Panchayat),  
Kadayam, Tirunelveli District.

2.The Tashildar,  
Ambasamudram Taluk,  
Tirunelveli District.

3.The President,  
Kadayam First Grade Village Panchayat,  
Kadayam, Tirunelveli District.

+One cc to Mr.V.Sasikumar, Advocate, SR.No.54229

+One cc to The Special Government Pleader, SR.No.54719

ssm

RL/6C/2P/CK/30/9/2016

W.P (MD) .No.18050 of 2016

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