



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.12.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.24123 of 2016

Yesudhasan

..Petitioner

Vs

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Assistant Director of Panchayat,
Kanyakumari District,
at Nagercoil.

3.The Executive Officer,
Kappiyarai Town Panchayat,
Kappiyarai Post,
Kanyakumari 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 third respondent to receive the Petitioner's plan approval application and to pass orders in accordance with law within the time frame stipulated by this Court.

For Petitioner :M/s.M.R.Sreenivasan

For Respondents :Mr.C.Selvaraj
1 and 2 Spl.Govt.Pleader

For Respondent-3 :Mr.S.Chandrasekar
Govt.Advocate

ORDER

The Petitioner seeks for a Writ of Mandamus directing the third respondent to receive the Petitioner's plan approval application.

2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.S.Chandrasekar, learned Government Advocate, takes notice for R3.



3. By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4. The grievance of the Petitioner is that when he sent an application through post, the same was refused to be received by the third respondent and as such, the postal department returned the application cover with an endorsement as "refused".

5. The learned counsel for the third respondent submitted that already the Petitioner has filed an application in person and the same was received and therefore, there is no necessity for him to file one more application. On the other hand, it is contended by the learned counsel for the Petitioner that no such application is filed. Whatever the case may be, when the application is sent to the third respondent, it is for him to receive and pass orders on the same on merits and in accordance with law. Without exercising such action, refusing to receive the application is not proper.

6. Therefore, the third respondent is directed to receive the application of the Petitioner within a period of two weeks from the date of receipt of a copy of this order and pass orders on the same on merits and in accordance with law, within a period of six weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
at Nagercoil.
2. The Assistant Director of Panchayat,
Kanyakumari District,
at Nagercoil.
3. The Executive Officer,
Kappiyarai Town Panchayat,
Kappiyarai Post,
Kanyakumari District.

+1 cc to MR.M.R.SREENIVASAN, Advocate SR.No.81265

+1 cc to Special Government Pleader Sr.No.81581

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