

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P.No.10819 of 2017

and

W.M.P.No.11755 of 2017

A.P.Asmath Ali ... Petitioner

Vs.

1.The District Collector,
Nilgiris District,
Collectorate,
Uthagamandalam.

2.The Municipal Commissioner,
Coonoor Municipality,
Coonoor, Nilgiris District.

3.The Tahsildar,
Taluk Office, Coonoor,
Nilgiris District.

4.The Town Planning Officer,
Coonoor Municipality,
Coonoor, Nilgiris District.

5.The Town Planning Inspector,
Coonoor Municipality,
Coonor, Nilgiris District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 2 to 5 to initiate appropriate legal action to redeem the landed property in T.S.No.12/1A1(Part), old S.No.384/1, Block 28 in Coonoor, 6316.2 Sq.ft and put the same to use it as park, for which it was gifted.

For Petitioner : Mr.T.Dharani

For Respondents: Mr.R.Vijayakumar, AGP

ORDER

(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed with a prayer seeking a direction to respondent Nos.2 to 5 before us to initiate appropriate legal action against one John Fride Vinyl, who, according to the petitioner, has illegally purchased the landed property comprised in T.S.No.12/1A1 (Part), old S.No.384/1, Block 28 in Coonor, admeasuring 6316.2 sq.ft or thereabouts.

2 Learned Counsel for the writ petitioner would submit that the said land was gifted for using the same as park and therefore, a private individual should not be allowed to put up construction thereon.

3 We notice from the writ petition that though there is direct allegation against a private individual, namely, John Fride Vinyl, the writ petitioner has not chosen to array him as one of the respondents. However, at the hearing, the learned counsel for the writ petitioner abridges / restricts his prayer and says that he will be satisfied if the District Collector (who is respondent No.1 before us) is directed to dispose off his representation dated 5.11.2016 in accordance with law within a time frame to be fixed by this Court.

4 The representation given by the writ petitioner to the District Collector (respondent No.1 before us) is at page No.52 of the typed set of papers. As stated supra, it is dated 5.11.2016.

5 We direct the District Collector, Nilgiris District (respondent No.1) to consider and pass orders on the representation of the petitioner dated 5.11.2016 in accordance with law after giving opportunity to all concerned, particularly the above said John Fride Vinyl, whose address we are informed is Paul Street, Neyyoor Post, Kanyakumari District. The first respondent District Collector shall dispose of the above representation as expeditiously as possible and in any event within one month from the date of receipt of a copy of this order. The first respondent shall take necessary action if necessary, based on what he may ultimately say while disposing off the representation.

6 The writ petition is disposed off accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vvk
To

- 1.The District Collector,
Nilgiris District,
Collectorate,
Uthagamandalam.
- 2.The Municipal Commissioner,
Coonoor Municipality,
Coonoor, Nilgiris District.
- 3.The Tahsildar,
Taluk Office, Coonoor,
Nilgiris District.
- 4.The Town Planning Officer,
Coonoor Municipality,
Coonoor, Nilgiris District.
- 5.The Town Planning Inspector,
Coonoor Municipality,
Coonor, Nilgiris District.

+1cc to Mr.T.Dharani, Advocate Sr.25878
+1cc to the Government Pleader Sr.26392

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srg 09/06/2017