

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.2085 of 2017

P.Thangamani

..Petitioner

Vs.

1. The District Collector,
Erode District, Erode.
 2. The Assistant Director of
Rural Development (Panchayat),
Erode District, Erode.
 3. The Block Development Officer
(Panchayat)
Modakurichi Panchayat Union,
Erode District.
 4. The President/Special Officer,
46, Pudhur Panchayat,
Modakurichi Panchayat Union,
Erode District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider his representation, dated 04.07.2016, and to take suitable legal action within the stipulated time, as fixed by this Court.

For Petitioner : Mr.C.Munusamy

For Respondents
1, 2 and 4 : Mr. M.Elumalai,
Govt. Advocate

For Respondent-3: Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of a Mandamus, directing the first respondent to consider his representation, dated 04.07.2016, and to take suitable legal action within the stipulated time.

2. The learned counsel for the petitioner would submit that the petitioner's grand father, by name Vella Gounder had owned agricultural land, measuring an extent of 4.00 acres in S.No.173/3B, situated at Pudhur Village, Modakurichi Taluk, Erode District. The said land and the lands appurtenant to the agricultural area were converted into house sites without obtaining any approval from the Local Planning Authority or Directorate of Town and Country Planning. The grievance of the petitioner is that, the fourth respondent/ Panchayat, in violation of statutory provisions, have obtained a gift deed in his favour, in respect of the afore said property vide document No.833 of 2002. The learned counsel would submit that, when a document is registered in favour of the Panchayat, (fourth respondent in this case), proper resolution has to be passed to that effect, and it should be recorded in the minutes book, and the resolution passed by the Panchayat has to be approved by the Block Development Officer. In the case on hand, such procedure has not been adopted. Pointing out the same, the petitioner submitted a representation, dated 04.07.2016, to the authorities concerned, including the first and second respondents to take action against the officials concerned. Though the second respondent passed orders on 18.07.2016 and 16.11.2016, directing the third respondent to take legal action upon the petitioner's complaint/representation, dated 04.07.2016, so far no action has been taken against the officials concerned. Hence, the present writ petition is filed with the aforesaid prayer.

3. Learned Government Advocate submitted that the Gift deed was executed in the year 1992 and the petitioner made representation only during 2016. However, if the said application submitted by the petitioner is pending, the respondents will certainly consider the same, in accordance with law, as expeditiously as possible.

4. Heard learned counsel for the petitioner and learned counsel for the respondents.

5. Without expressing any opinion on the merits of the case, this Court directs the 1st respondent to consider the representation of the petitioner dated 04.07.2016, on merits and in accordance with law, and pass orders as expeditiously as possibly, preferably within a period of six months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, accordingly.
No costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Collector,
Erode District, Erode.
2. The Assistant Director of
Rural Development (Panchayat),
Erode District, Erode.
3. The Block Development Officer (Panchayat)
Modakurichi Panchayat Union,
Erode District.
4. The President/Special Officer,
46, Pudhur Panchayat,
Modakurichi Panchayat Union,
Erode District.

+1cc to M/s. C. Munusamy, Advocate, S.R.No.5494
+1cc to the Government Pleader, S.R.No.5950

RSK(CO)
EU 6.4.17

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