

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.15034 of 2017
and W.M.P.No.16274 of 2017

Thayammal

.. Petitioner

Vs.

The Commissioner,
Kumarapalayam Municipality,
Kumarapalayam - 638 183,
Namakkal District.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner representation dated 07.06.2017 by giving opportunity to the petitioner and not to disturb except under due process of law by leaving path way to the petitioner.

For Petitioner : Mr.SP.Yuaraj,

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader
for Mr.O.Selvam, Government Advocate.

ORDER

The petitioner made a representation on 07.06.2017 making a claim that the project can be proceeded with, without obstructing his access as the existing road is likely to be closed.

2.The learned Special Government Pleader appearing for the respondent, on instructions, submits that the petitioner has encroached the public road and put up construction.

3.In the representation made, the petitioner has stated that there is no objection for the project but the existing road shall not be disturbed.

4.This court cannot go into the disputed questions of facts. What the petitioner seeks is to consider the representation made on 07.06.2017, which is a limited prayer. In View of the above, a direction is issued to the respondent to dispose to the aforesaid representation within a period of four

weeks from the date of receipt of a copy of this order. While doing so, the petitioner will have to be given an opportunity of being heard.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To

The Commissioner,
Kumarapalayam Municipality,
Kumarapalayam - 638 183,
Namakkal District.

+1 cc to Mr.S.P.Yuvaraj Advocate sr 44087
+1 cc to Mr.O.Selvam Advocate sr 43885

W.P.No.15034 of 2017

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