

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.15295 of 2017

Raghunath Krishnan

..Petitioner

Vs.

1. The Secretary,
Forest Department,
Fort, St.George,
Chennai

2. The Collector,
Collectorate Office,
Udagamandalam

3. The District Forest Officer,
Gudalur and Pandalur Taluk,
Gudalur Bazar P.O.
Nilgiris - 643 212

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to consider the petitioner's application dated 09.03.2017 and take steps to remove the wall expeditiously.

For Petitioner :Mr.P.John for M/s.Fox Mandal &
Associates

For Respondents:Mr.M.Santhana Raman,
Additional Government Pleader.

ORDER:

According the petitioner, the petitioner's father purchased a land in Survey No.260 (2,3,5) in Bitherkad, Nellakotta Panchayat in the year 1968. At the time of purchase, there was a mud path connecting Bitherkad to Gadsbrook now known as the Bitherkad - Gadsbrook Road with a total length of 2.4 km. The said road is used by the inhabitants in and around the place

to reach hamlets of Bitherkad, Gadsbroke and others. The said road was handed over by Forest Department to Nellakotta Panchayat Board around 1969. Pursuant to that, the land owners having a portion of the mud road in their lands also handed the road portion to the Panchayat. After that, the land owners were asked to contribute towards metalling of the road. Being one of the above said land owners, the petitioner's father was also called upon by the Commissioner, Panchayat Union, Gudalur vide letter dated 04.11.1969 for contribution and the same was complied with. By spending the said amount, the road was partially tarred in 2001 by the Nellakotta Panchayat. On 01.03.2017, Forest Department started building a wall on the road thereby restricting the petitioner and the public from using the road. This matter was taken to the second respondent explaining the grievance of the public. Further, the petitioner made a representation to the third respondent on 09.03.2017, but the petitioner has not received any reply so far. Hence, the petitioner has filed this writ petition before this Court.

2. The learned counsel for the petitioner would submit that the land owners had not only gifted a portion of their properties but also contributed the cost of the metalling road. Hence, the petitioner has filed this writ petition for the above said prayer before this Court.

3. The learned Additional Government Pleader would submit that the said application has not yet been disposed of and the third respondent would consider and pass orders in accordance with law as expeditiously as possible.

4. In view of the above submissions made by the learned Additional Government Pleader, without going into the merits of the case, this court is inclined to direct the third respondent to consider the petitioner's representation dated 09.03.2017 on merits and pass order orders in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this Order.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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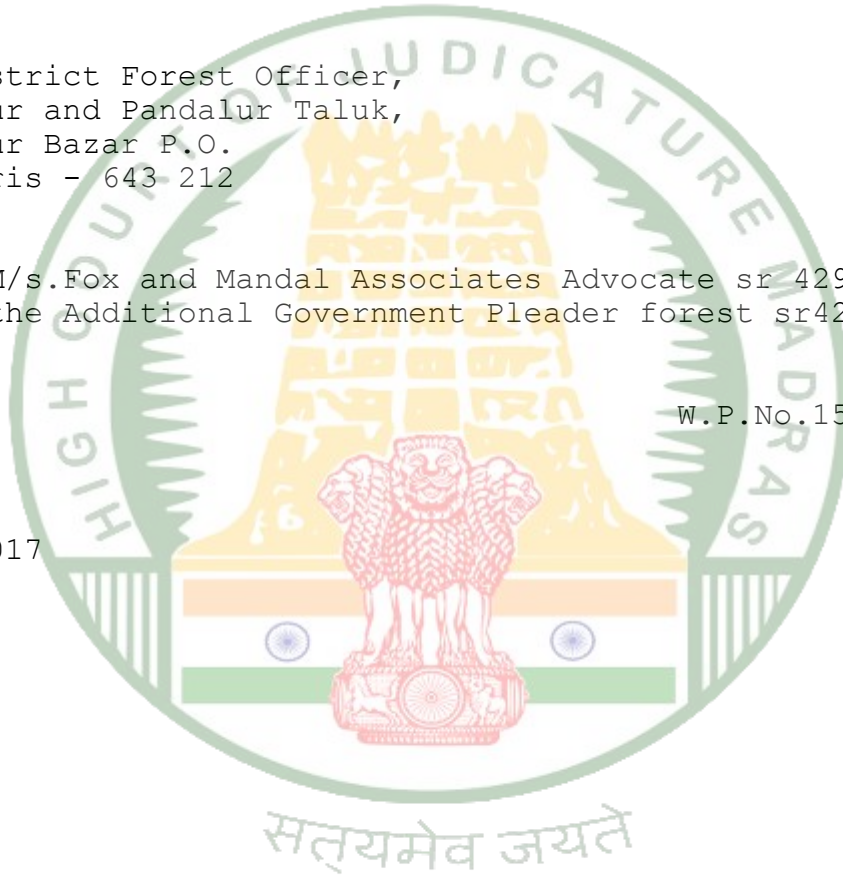
To

1. The Secretary,
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Chennai
2. The Collector,
Collectorate Office,
Udagamandalam
3. The District Forest Officer,
Gudalur and Pandalur Taluk,
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Nilgiris - 643 212

+1 cc to M/s.Fox and Mandal Associates Advocate sr 42946
+1 cc to the Additional Government Pleader forest sr42903

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