

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16445/2017

V.Murugesan

..Petitioner

Vs

1.The Director of Panchayat
Kuralagam, Chennai-3.

2.The Assistant Director of Panchayat
Collectorate, Nagapattinam District,
Nagapattinam.

3.The Block Development Officer
Thirumarugal Panchayat Union
Thirumarugal, Nagapattinam Taluk
and District.

4.Kaliyaperumal

5.Mr.M.Gunasekaran

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 04.03.2017 within a stipulated time to be fixed by this Court.

For Petitioner

: Mr.C.Prakasam

For RR 1 to 3

: Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 Mr.C.Prakasam, learned counsel for the petitioner has drawn the attention of this Court to the affidavit filed in support of this writ petition as well as to the typed set of documents and would submit that the petitioner is a resident of Guna Nagar in Survey No.28/11-A, Kangalancheri Village, Nagapattinam Taluk and District and has also drawn

the attention of this Court to the additional affidavit dated 05.07.2017 and would submit that the petitioner has put up a construction strictly in accordance with the sanctioned plan. It is further submitted that the 4th respondent, without obtaining any planning permission whatsoever, is constructing a Marriage Hall and the 5th respondent being the husband of the Local Body President, is actively abetting the 4th respondent and in this regard, the petitioner has submitted a representation dated 04.03.2017 to the respondents 1 to 3 and in spite of receipt and acknowledgment, no steps have been taken so far to abate the said nuisance and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in the affidavit filed in support of this writ petition, directs the 2nd respondent or his subordinate official to cause inspection of the construction being put up by the 4th respondent after putting him on notice and depending upon the result of the inspection, shall consider and dispose of the petitioner's representation dated 04.03.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 4 and 5.

5 The writ petition stands disposed of with the above direction. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Director of Panchayat
Kuralagam, Chennai-3.

2.The Assistant Director of Panchayat
Collectorate, Nagapattinam District,
Nagapattinam.

3.The Block Development Officer
Thirumarugal Panchayat Union
Thirumarugal,
Nagapattinam Taluk and District.

+ 1 cc to Mr.C. Prakasam, Advocate Sr.51180
+ 1 cc to Government Pleader Sr.50982

WP.No.16445/2017

EU 26.7.17



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