



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.11.2017
CORAM

THE HONOURABLE **MR. JUSTICE R. MAHADEVEN**
W.P. (MD) No.14729 of 2015
and
M.P. (MD) No.1 of 2015

R.Malarvizhi

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram,
Ramanathapuram District.

3.E.Kalidoss

4.Punithavathi

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to cancel the building plan approval and remove the construction of the 3rd and 4th Respondents in T.S.No.32, Neelakandi Agragaram North Street, Ramanathapuram, in respect of 3/4 feet in East-West at South side and 1/4 feet in East-West at North side, which comes to the petitioner's adjacent land in T.S.No.33, as per provisions of the Tamil Nadu District Municipalities Act 1920, by considering the representation of the petitioner dated 01.07.2015.

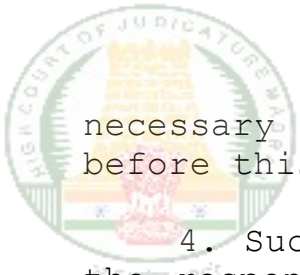
For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1
Mr.A.Kannan for R.2
Mr.K.R.Laxman for R.3 & R.4

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Heard both sides.

3. Alleging encroachment by the third & fourth respondents over his property, the petitioner has submitted a detailed representation dated 01.07.2015 before the authorities for



necessary action and because of their inaction, the petitioner is before this Court, for appropriate relief.

4. Such a stand is stoutly refuted by the learned Counsel for the respondents 3 & 4, who, in turn, on instructions, submitted that they had put up the construction on their own patta land, after obtaining plan approval from the authorities concerned.

5. After some arguments, the learned Counsel for the petitioner confines his prayer to the effect that it would be suffice, if the representation of the petitioner dated 01.07.2015 is disposed of by the respondents 1 & 2, within a stipulated time limit, on merits.

6. Under such circumstances and considering the limited scope of the relief sought, this Court, without going into the merits of the case, directs the respondents 1 & 2 to consider the representation of the petitioner dated 01.07.2015 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and respondents 3 & 4, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram,
Ramanathapuram District.

+1cc to Mr.R.Gowrishankar, Advocate Sr.No.87228

+1cc to Spl.Government Pleader Sr.No.87468

GK

VB/MR/KKR/SAR1/24/11/2017/2P/5C