



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.11023 of 2017

Indhirani

... Petitioner

Vs.

The District Collector,
Dindigul District,
Dindigul.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the objection of petitioner dated 04.04.2017

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.M.Alagathevan,
Special Government Pleader

ORDER

This writ petition has been filed, seeking to direct the respondent to consider the objection of the petitioner dated 04.04.2017

2. Heard the learned Counsel appearing on either side.

3. The case of the petitioner is that she is the owner of the property comprised in T.S.No.1479/1 at Ward No.6, Block No.29, Dindigul Municipality and there is a pathway measuring to an extent of 3 feet width to connect the road from her property. One Vellathai, the neighbour of the petitioner in order to grab the pathway filed a suit in O.S.No.1135 of 2004 and the same was dismissed. Aggrieved by the same, she preferred an Appeal in A.S.No.90 of 20016 and the same was also dismissed. It is the further case of the petitioner that now, the said Vellathai attempts to obstruct her pathway by putting up construction without obtaining any prior approval from the concerned authority. Therefore, the petitioner made objection to the respondent on 04.04.2017. Since no action has been taken, the petitioner has come forward with this writ petition.



4. The learned Government Advocate appearing for the respondent has submitted that the objection received from the petitioner has duly been forwarded to the concerned authority and the Tahsildar is the competent authority to take a decision in this matter, who has not been added as a party respondent in this case.

5. Considering the facts and circumstances, this Court, without going into the merits of the case, directs the respondent / District Collector to instruct the concerned Tahsildar to look into the objection of the petitioner dated 04.04.2017 and to pass appropriate orders thereon, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To:

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul District

+One cc to M/s.S.C.Herold Singh, Advocate, SR.No.81528

rm/ar
RL/4C/2P/MR/KKR/SAR2/20/10/2017

W.P. (MD) No.11023 of 2017