



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No. 1823 of 2017

and

W.M.P. (MD) No. 1503 of 2017

A. Mariathambiraj

... Petitioner

vs.

1. The District Collector,
O/o The District Collector,
Dindigul - 624 004.

2. The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 31.10.2016 and consequential direction forbearing the respondents from interfering with the construction work carrying out at Door No. 11-1-207, Main Road, Opposite to Jumma Periya Pallivasal, Batlagundu in pursuance of the proceeding issued by the 2nd respondent vide Ka.Oo.No.31, Ka.Oo.No.34/2016-17 dated 22.08.2016.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For Respondents	: Mr.C.Selvaraj Special Government Pleader

ORDER

Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

2. Considering the limited scope of the prayer sought for, by consent of parties, the main Writ Petition itself is taken up for final disposal.

3. The case of petitioner is that he inherited the business of selling bananas in the shop at Door No.11-1-207, Main Road, Opposite to Jumma Periya Pallivasal, Batlagundu. After getting proper plan approval from the second respondent, the petitioner commenced construction work of his shop. It is the further case of the petitioner that the second respondent has caused unwarranted interference to his construction work at the instance of one Mr.Nalla Mohammed, who is the adjacent shop owner. In this



regard, the petitioner had given a representation to the first respondent on 31.10.2016. Since the representation has not been considered till date, the petitioner is before this Court.

4. It is needless to mention that whenever a representation is given to an Authority, it is the duty of the said Authority to consider the same instead of keeping it pending.

5. In view of the same, without expressing any opinion on the merits of the claim made by the petitioner in the representation, the first respondent is directed to consider the petitioner's representation dated 31.10.2016 after due notice to the petitioner and the said Nalla Mohammed, who is the adjacent shop owner and pass orders on the same on merits and in accordance with law, within a period six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands allowed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar[As]

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o The District Collector Office,
Dindigul - 624 004.

2. The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Dindigul District.

+1cc to M/s D.Shanmugaraja sethupathi, Advocate, SR.6082

+1cc to Special Government pleader, SR.6281

W.P. (MD) No.1823 of 2017
03.02.2017

PM

KK-RSK-SAR1-10.02.2017-2P-5C