



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.19200 of 2017

Paramasivan

... Petitioner

Vs.

1.The Executive Officer,
Keelapavoor Town Panchayat,
Alangulam Taluk,
Tirunelveli District.

2.The Assistant Director,
District Panchayat Office,
District Collector Office,
Kokkirakulam,
Tirunelveli District.

3.Ganapathy Ammal

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to take necessary action to stop and remove the illegal constructions in Survey No.360/2C (2096/7, 10) Ward No.15, at Mettu Street, North Surandai Road, Keelapavoor, Tirunelveli District against the approved plan dated 18.09.2017, in the light of the petitioner's representation dated 22.09.2017, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.J.Ashok
For Respondents : Mr.T.S.Mohamed Mohideen,
1 and 2 Additional Government Pleader

ORDER

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

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, takes notice for the respondents 1 & 2. Notice to the respondents is dispensed with, as no adverse order is going to be passed and opportunity of hearing will be given, by the authorities concerned, at the time of hearing.



3. According to the petitioner, the third respondent herein is constructing a house in her land, situated in Survey No.360/2C (2096/7, 10) Ward No.15, at Mettu Street, North Surandai Road, Keelapavoor, Tirunelveli District, which is adjacent to the petitioner's house and the grievance of the petitioner is that by approved plan dated 18.09.2017, while constructing a new house, the third respondent has to leave set back space, which she failed to leave and had placed pipes for carrying the effluents in the petitioner's land and aggrieved thereby, the petitioner has preferred a representation dated 22.09.2017 to the respondents 1 & 2, which is said to be pending. Hence, the petitioner is before this Court, with the aforesaid prayer.

4. The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 22.09.2017, is disposed of by the authorities as per law.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 22.09.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the third respondent, 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(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Executive Officer,
Keelapavoor Town Panchayat,
Alangulam Taluk, Tirunelveli District.

2.The Assistant Director,
District Panchayat Office,
District Collector Office,
Kokkirakulam, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.83004

gk

RL/4C/2P/GT/SAR2/31/10/2017