



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.19935 of 2017

V.Kandasami

: Petitioner

.vs.

1. The District Collector,
Ramanathapuram District.

2. The Executive Engineer,
Public Works Department,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the first respondent to consider the Petitioner's representation dated 12.8.2017 and dispose of the same as expeditiously as possible within the time stipulated by this Court.

For Petitioner : M/s.R.Anand
For Respondents : Mr.T.R.Janarthanan
Additional Govt.Pleader

O R D E R

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the First Respondent to consider the Petitioner's representation, dated 12.8.2017 and to dispose of the same as expeditiously as possible within the time stipulated by this Court.

2.Heard both sides. No counter is filed on behalf of the respondents 1 to 3.

<https://hcservices.ecourts.gov.in/hcservices/>

3.By consent, the main Writ Petition itself is taken up for final disposal.



4.The Petitioner has made a representation, dated 12.8.2017 addressed to the First Respondent/The District Collector, Ramanathapuram District to ensure that the houses and lands of the villagers are safe-guarded by way of shifting the Kalungu to northern side of Kanmai. Since the First Respondent is keeping mum in the matter, on earlier occasion, a Writ Petition was filed in W.P (MD)No.15478 of 2017 seeking necessary direction to shift the Kalungu and during the pendency of the same, a counter was filed indicating that the authorities have taken a decision to proceed with the construction work on the place where originally the Kalungu was under existence.

5.Admittedly, in W.P(MD)No.15478 of 2017, the Second Respondent had filed a counter mentioning that a decision was taken to proceed with the construction work on the place where originally the Kalungu was under existence and as such, this Court is of the considered view that the Petitioner cannot once-again seek redressal of the very same grievance by way of representation dated 12.8.2017 addressed to the First Respondent/The District Collector, Ramanathapuram District.

6.At this stage, the Learned Counsel for the Petitioner points out that on earlier occasion, the First Respondent/The District Collector, Ramanathapuram District had not filed the counter, but only the Second Respondent in W.P(MD)No.15478 of 2017 had filed the counter. Viewed in that perspective, the representation of the Petitioner, dated 12.8.2017 is *per se* valid and maintainable in the eye of Law.

7.Not-withstanding the fact that the Second Respondent in W.P (MD)No.15478 of 2017 had filed a counter, wherein, it was specifically mentioned that the authorities have taken a decision to proceed with the construction work on the place where originally the Kalungu was under existence, this Court, without going into the merits of the matter, directs the First Respondent/The District Collector, Ramanathapuram District to look into the grievance of the Petitioner once-again, namely to consider the representation of the Petitioner, dated 12.8.2017 in a fair, free, unbiased and in a dispassionate manner, by passing a reasoned speaking order on merits within a period of two weeks from the date of receipt of a copy of this order and that too, uninfluenced and untrammelled by any of the observations made earlier, in the afore-stated Writ petition in W.P (MD)No.15478 of 2017.

8.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)



To

1. The District Collector,
Ramanathapuram District.

2. The Executive Engineer,
Public Works Department,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+ 1 CC TO Mr.R.ANAND, ADVOCATE IN SR No. 87877

VSN

TE/KP/SAR-2 : 24/11/2017 : 3P/5C

ORDER MADE IN
W.P. (MD) No.19935 of 2017
15.11.2017