



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.20065 of 2017

and

W.M.P (MD) No.16324 of 2017

A.Sabaheer

... Petitioner

-Vs-

1.The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.

2.The Deputy Director of Fisheries,
Vadassery, Distillery Road,
Krishnankovil near,
Nagercoil - 629 001.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 1st and 2nd respondents or their subordinates from in any way constructing a compound wall through the lands belonging to the Thengapattanam Jamath in Survey No. 466/03, 03A, 3C Thengapattam Village, Velavangode Taluk, Kanayakumari District, without acquiring the same as provided Under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

For Petitioner : Mr.E.Mareeskumar
for M/s. Ajmal Associates
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader
for R.1 & R.2
Mr.K.K.Senthil for R.3

O R D E R

By consent, this writ petition itself is taken up for final disposal at the stage of admission.

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2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the first & second respondents and Mr.K.K.Senthil, learned Counsel takes notice for the third respondent.

3.According to the petitioner, he is a member of Thengapattanam Muslim Jamath and as such, the property in Survey No.466/3, Thengapattanam Village, Velavangode Taluk, Kanyakumari District belongs to their Jamath. Whereas, the second respondent has started to put up a compound wall in the subject mentioned property, as if they purchased the same. Aggrieved by this action of the second respondent, the petitioner has approached the authorities and submitted a detailed representation dated 12.10.2017. Pending disposal of the said representation, the petitioner has approached this Court, seeking the aforesaid relief.

4.Though the prayer in the writ petition is for a larger relief, the learned Counsel for the petitioner now confines his prayer to the effect that it would suffice, if the representation of the petitioner is disposed of by the authorities, on merits, within a stipulated time limit, for which, the learned Additional Government Pleader has no serious objections.

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 12.10.2017 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 all the 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, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

/True Copy/



To

1.The District Collector,
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Nagercoil,
Kanyakumari District.

2.The Deputy Director of Fisheries,
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Nagercoil - 629 001.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Jaffar Syrang Street,
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Chennai - 600 001.

+One cc to M/s.K.K.Senthil, Advocate, SR.No.84900

+One cc to M/s.Ajmal Associates, Advocate, SR.No.84908

+One cc to The Special Government Pleader , SR.No.85043

gk

RL/7C/3P/KP/SAR1/14/11/2017

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