



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M. VENUGOPAL
AND
THE HONOURABLE MRS. JUSTICE R. THARANI

W.P. (MD) No. 23967 of 2017

M. Chinnathambi

: Petitioner

.vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The District Adi-Dravidar and Tribal Welfare Officer,
O/o. The District Adi Dravidar and Tribal Welfare Office,
Kanyakumari District.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
4. The Special Tashildar,
(Adi Dravidar and Tribal Welfare),
Nagercoil,
Kanyakumari 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 Respondents to expedite the proposal to construct Community Hall in Plot Nos. 29 and 42 in Survey No. L6/6-2B situated at Vadiveeswaram Village, Agestheeswaram Taluk, Kanyakumari District for the people of Arunthathiyar Community residing at Irulappapuram Village.

For Petitioner
For R-1 to R-4

: Mr. T. Thirumurugan
: Mr. T. R. Janarthanan,
Additional Government Pleader

O R D E R

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

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the Respondents to expedite the proposal to construct a 'Community Hall' in Plot Nos. 29 and 42 in Survey No. L6/6-2B situated at Vadiveeswaram Village, Agestheeswaram Taluk, Kanyakumari District, for the



people of Arunthathiyar Community, residing at Irulappapuram Village.

2. Heard both sides. No counter-affidavit is filed on behalf of R-1 to R-4.

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

4. According to the Petitioner, he belongs to Arunthathiyar Community. During the year 1993-1995, the Government have provided house site patta to 113 families and there are 70 Arunthathiyar families residing in his village and others belong to some other community. There is no Community Hall available in their residence.

5. It comes to be known that the Petitioner had addressed a Representation in the year 2015 to the Second Respondent praying for the construction of a 'Community Hall' and that the Second Respondent sent a communication on 09.09.2015 stating that they had decided to conduct an enquiry to cancel the patta granted in Plot Nos. 29 and 42 situated at L6/6-2B in order to construct a 'Community Hall' and asked for Report from the Fourth Respondent. On 22.05.2015, the Fourth Respondent had informed the Petitioner and stated that on 12.02.2015, he had sent a Report to the Second Respondent in regard to the construction of 'Community Hall' in question.

6. On 09.09.2015, the Second Respondent sent a communication to the Petitioner and stated that they had already taken a decision to construct a 'Community Hall' in Survey No. L6/6-2B and had sent a proposal to the Assistant Director, Town and Country Planning. However, there is no progress in the subject matter in issue thereafter.

7. It transpires that on 25.10.2017, the Petitioner sent a detailed Representation to the Respondents narrating all the facts and prayed for construction of 'Community Hall' in Vadiveeswaram Village in Survey No. L6/6-2B by considering the earlier proceedings of the Fourth Respondent dated 01.07.2015 and the proceedings of the Second Respondent dated 09.09.2015. However, no action has been taken till date. Hence, he has filed the present Writ Petition.

8. Considering the fact that the Petitioner's Representation dated 25.10.2017 addressed to the Respondents in the subject matter in issue is pending as on date without any progression, at this stage, this Court without delving deep into the merits of the Representation of the Petitioner, dated 25.10.2017 within a period of two weeks from the date of receipt of a copy of this



order. Thereafter, Respondent Nos.1 and 2 are to dispose of the said Representation of the Petitioner dated 25.10.2017 by affording necessary opportunity to the Petitioner and others concerned by passing a reasoned speaking orders on merits, of course in the manner known to Law and in accordance with Law and also after adhering to the principles of natural justice.

9. It is open to the Petitioner to raise all factual and legal pleas before Respondent Nos.1 and 2 and if any personal hearing is required, then, Respondent Nos.1 and 2 are directed to provide an opportunity of personal hearing to the Petitioner and to pass necessary orders in the subject matter in issue, within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The District Adi-Dravidar and Tribal Welfare Officer,
O/o.The District Adi Dravidar and Tribal Welfare Office,
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Kanyakumari District.
4. The Special Tashildar,
(Adi Dravidar and Tribal Welfare),
Nagercoil,
Kanyakumari District.

+1cc to Mr.T.Thirumurugan, Advocate Sr.No.94665

+1cc to Spl.Government Pleader Sr.No.95015

PM

VB/GT/SAR4/04/01/2018/3P/7C