



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.19542 of 2016

and

W.M.P (MD) No.14097 of 2016

R.Rajesh

... Petitioner

Vs.

- 1.The District Collector,  
Kanyakumari District,  
at Nagercoil.
- 2.The Executive Engineer,  
Public Works Department,  
Nagercoil,  
Kanyakumari District.
- 3.The President,  
Mulagumood Panchayat,  
Kanyakumari District.
- 4.The Executive Officer,  
Mulagumoodu Panchayat,  
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 3<sup>rd</sup> and 4<sup>th</sup> respondents from in any way damaging the bank and the road at Thiruvidadancode Neetchi Kalvai L.S.16/500 k.m which was repaired by the public out of their own funds by considering the representation of the petitioner dated 27.06.2016.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| For Petitioner  | : Mr.S.C.Herold Singh                           |
| For Respondents | : Mr.J.Gunaseelanmuthiah<br>Government Advocate |

#### O R D E R

This writ petition has been filed, seeking a Writ of Mandamus forbearing the 3<sup>rd</sup> and 4<sup>th</sup> respondents from in any way damaging the bank and the road at Thiruvidadancode Neetchi Kalvai L.S.16/500 k.m, which was repaired by the public out of their own funds, by considering the representation of the petitioner dated 27.06.2016.

2. The grievance of the petitioner is that he made a representation dated 27.06.2016 to the first respondent to take necessary action against the respondents 3 and 4, who are taking steps to damage the newly laid road on the banks of the Neetchi Channel to an extend of 600 meters. It is stated by the petitioner that the villagers laid the said road after obtaining permission from the second respondent. Since the



said representation has not been considered so far, the present writ petition has been filed.

3. Heard the learned Counsel for the petitioner as well as the learned Government advocate appearing for the respondents, who would submit that if a reasonable time is granted to the respondents, appropriate orders will be passed on the representation of the petitioner.

4. In view of the above submission and also 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 27.06.2016 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,  
Kanyakumari District,  
at Nagercoil.
2. The Executive Engineer,  
Public Works Department,  
Nagercoil,  
Kanyakumari District.
3. The Executive Officer,  
Mulagumoodu Panchayat,  
Kanyakumari District.

+1cc to M/S.S.C. Herold Singh, Advocate SR.No. 67166

W.P (MD) No.19542 of 2016

and

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24.07.2017