



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.21311 of 2016

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... Petitioner

Vs.

1.The District Collector
Tirunelveli District.

2.The Assistant Director
Town Panchayat, Tirunelveli Region
Tirunelveli.

3.The Executive Officer
Sivagiri Selection Grade Panchayat
Sivagiri, Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the 3rd respondent in his proceedings Na.Ka.No.02/2016 dated 24.06.2016 and quash the same and further direct the 3rd respondent to remove the water tap put up in the middle of Sabarimalaiyapuram Street, Ward No.17, Sivagiri and put up in the side of the street, within the time limit fixed by this Court.

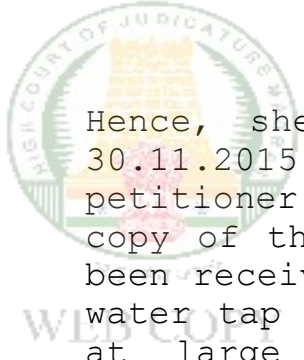
For Petitioner	: Mr.PT.S.Narendravasan
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Advocate.

O R D E R

This writ petition has been filed, seeking to call for the records relating to the 3rd respondent in his proceedings Na.Ka.No.02/2016 dated 24.06.2016 and quash the same and further direct the 3rd respondent to remove the water tap put up in the middle of Sabarimalaiyapuram Street, Ward No.17, Sivagiri and put up in the side of the street.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that she has purchased the land situated at Sabarimalaiyapuram Street, Sivagiri in survey No.403/13, measuring 98.1/2 cents out of 4 acres 26 cents and the ~~several~~ the land for agricultural purpose. All of a sudden, a drinking water tap has been put up on the middle of the road, that too, in front of the petitioner's entrance to the land.



Hence, she made a representation to the 3rd respondent, dated 30.11.2015 and since the same was not considered so far, the petitioner submitted a petition under RTI Act. In the meanwhile, a copy of the order dated 24.06.2016, which is impugned herein has been received by the petitioner, wherein it has been stated that a water tap has been fixed in the said place for the use of public at large and the petitioner and others, without obtaining permission from the Panchayat, plotted out the said lands and put up a gate in front of the land. Aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner has submitted that though the petitioner has sought for a larger relief, the petitioner has, however restricted his relief to the extent of consideration of the representation dated 30.11.2015 submitted by the petitioner with a time frame to be fixed by this Court.

5. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the third respondent to consider the representation of the petitioner dated 30.11.2015 and pass appropriate orders, on its own merit and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, by keeping in mind the proceedings dated 24.06.2016.

6. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Collector
Tirunelveli District.
 2. The Assistant Director
Town Panchayat, Tirunelveli Region
Tirunelveli.
 3. The Executive Officer
Sivagiri Selection Grade Panchayat
Sivagiri, Tirunelveli District.
- +One cc to Mr. PT. S. Narendravasan, Advocate, SR.No.69124
+One cc to The Special Government Pleader, SR.No.69305
rm/ar