



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7847 of 2011

and

M.P(MD)No.1 of 2011

A.Vedaprakash

... Petitioner

Vs.

1.The Executive Engineer and Administrative Officer,
Tamilnadu Housing Board,
Tirunelveli Housing Unit,
Kamarajar Salai,
Anbu Nagar, Tirunelveli - 627 011.

2.The District Collector,
Tuticorin District.

3.The Block Development Officer,
Pudukkottai Panchayat Union,
Tuticorin District.

4.The President
Sankaraperi Panchayat,
Muthuammal Colony,
Tuticorin, Tuticorin District.

5. Rajaram

6.The Branch Manager
Tamil Nadu Mercantile Bank Ltd.,
2/4 T.N.H.B. Ettayapuram Road,
Sankaraperi Village,
Tuticorin - 2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take action against the respondents 5 and 6 for illegally converting residential Plot No.4/1, Ettayapuram Road, Sankaraperi, Tuticorin-2 into non residential/Commercial Plot based on petitioner's notice dated 20.06.2011 and petitioner's representation dated 27.06.2011.

For Petitioner

: Mr.T.Pon Ramkumar

For R.1 to R.4

: Mr.M.Alagathevan,

Special Government Pleader

For R.5

: No Appearance



For R.6

: Mr. Ananth C. Rajesh

ORDER

This writ petition has been filed seeking to direct the respondents 1 to 4 herein to take action against the respondents 5 and 6 for illegally converting residential Plot No.4/1, Ettayapuram Road, Sankaraperi, Tuticorin-2 into non residential/Commercial Plot, based on petitioner's representation dated 27.06.2011.

2. Heard the learned Counsel appearing on either side.

3. It is the case of the petitioner that the first respondent conducted an open auction for sale of residential vacant plots in Sankaraperi Village under Tamil Nadu Urban Development Project, Tuticorin District. The petitioner was declared as a successful allottee in respect of Plot No.653, who in turn constructed a house and the fifth respondent was allotted Plot Nos.4/1 and 4/2, who also constructed a house in Plot No.4/1. Though the plot No.4/1 was classified as residential plot, the fifth respondent has rented the same to the sixth respondent bank, by claiming that he has converted this plot from residential to non residential / Commercial plot. Hence, the petitioner sent a legal notice to the respondents on 20.06.2011. Since there was no response, he has made a grievance petition to the second respondent on 27.06.2011. But in the interregnum period, the sixth respondent had opened its branch in Plot No.4/1 on 11.07.2011 without considering his objection and pursuant to the inaction on the part of the respondents, the present writ petition has been filed for the relief as stated supra.

4. Though the petitioner has sought for a larger relief as stated above, the learned Counsel for the petitioner would submit that it would suffice, if the representation/petition dated 27.06.2011 submitted by the petitioner to the 2nd respondent, may be directed to be considered in a time bound manner.

5. Considering the facts and circumstances of the case and in view of the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the matter, directs the respondents, especially the 2nd respondent to consider the representation/petition of the petitioner dated 27.06.2011 and dispose of the same on its own merits and in accordance with law, if not already disposed, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, respondents 5 and 6 as well as other interested parties, if any.

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

Sd/-

Assistant Registrar(P & A)

/True Copy/



To:

1.The Executive Engineer and Administrative Officer,
Tamilnadu Housing Board,
Tirunelveli Housing Unit,
Kamarajar Salai,
Anbu Nagar, Tirunelveli - 627 011.

2.The District Collector,
Tuticorin District.

3.The Block Development Officer,
Pudukkottai Panchayat Union,
Tuticorin District.

4.The President
Sankaraperi Panchayat,
Muthuammal Colony,
Tuticorin,
Tuticorin District.

+1cc to Mr.T.PON RAMKUMAR Advocate in SR. No. 83291

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 83333

+1cc to M/s. ANANTH C.RAJESH Advocate in SR. No. 83476

RM

JS/JC/SAR.1/1.11.2017/3P-8C

W.P(MD)No.7847 of 2011
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