



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.7174 of 2013

and

M.P (MD) No.1 of 2013

Sundareswari

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Thasildar,
Periyakulam Taluk, Theni District.

3.The Block Development Officer,
Periyakulam Taluk, Theni District.

4.The President,
A.Vadipatti, Periyakulam Taluk,
Theni District.

5.Mani

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from converting the lands classified as ''Odai'' situated in Survey No.2735, Kullapuram Village, Periyakulam Taluk, Theni District into cart track at the instance of the fifth respondent, by considering the representation, dated 16.04.2013, within the period that may be stipulated by this Court.

For Petitioner

: Mr.C.Venkatshkumar
for M/s.Ajmal Associates.

For Respondents 1 to 3

: Mr.J.Gunaseelan Muthaiah,
Government Advocate.

For 4th Respondent

: Mr.K.Mahesh Raja

For 5th Respondent

: No appearance

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 to 4 not to convert the lands comprised in Survey No.2735, Kullapuram Village, Periyakulam Taluk, Theni District, which has been classified as 'Odai', into cart track, at the instance of the fifth respondent, based on the petitioner's representation, dated 16.04.2013.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 as well as learned counsel appearing for the fourth respondent. Despite notice being served on the fifth respondent and his name being printed in the cause list, there is no representation on behalf of the fifth respondent either in person or through Counsel.

3.The grievance of the petitioner is that the lands, which are classified as Odai, are sought to be converted as a cart track at the instance of the fifth respondent so as to enable him, to approach his property, through heavy vehicles. The petitioner also made a representation, dated 16.04.2013, and the same has not been considered so far.

4.The learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner, dated 16.04.2013, is disposed of by the respondents 1 to 3, as per law.

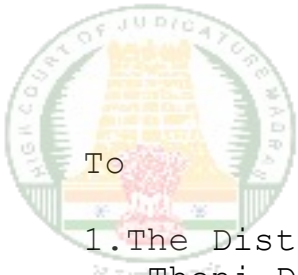
5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the respondents 1 to 3 to consider the representation of the petitioner, dated 16.04.2013, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties including the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Theni District, Theni.

2.The Thasildar,
Periyakulam Taluk,
Theni District.

3.The Block Development Officer,
Periyakulam Taluk,
Theni District.

ORDER MADE IN
W.P (MD) No.7174 of 2013
and
M.P (MD) No.1 of 2013
24.11.2017

smn

JM/SV MMS/SAR 1/18.12.2017/3P/4C