



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.7344 of 2013

and

M.P (MD) Nos.1 & 2 of 2013

Allah Pitchai

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.

3. The Executive Officer,
Mudhukulathur Town Panchayat,
Mudhukulathur,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from demolishing the building Kalyana Mandapam and Shops at Door No.5/3/1(4,5,6,7,8,9& 10) of Mudhukulathur Town Panchayat in Survey Nos.35/8D, 35/6D of Keezhamudhukulathur Village, Ramanathapuram District, forcibly for laying new drainage across the petitioner's building without following the due process of law.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1 & R.2
Mr.N.Dilipkumar for R.3

ORDER

This writ petition has been filed by the petitioner, seeking a Writ of Mandamus to forbear the respondents from demolishing his Kalyana Mandapam and shops, for the purpose of laying a new drainage channel across the same.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for 1st and 2nd respondents and the learned counsel appearing for the third respondent.

3. According to the petitioner, the respondents are trying to demolish his Kalayana Mandapam and shops, situated in Survey Nos. 35/8D, 35/6D of Keezhamudhukulathur Village, Ramanathapuram District, for laying a new drainage channel, without following due process of law. Aggrieved by the same, the petitioner approached the third respondent and submitted a representation dated 23.04.2013, to follow due process of law. As the same has not considered so far, the petitioner is before this Court, with the aforesaid prayer.

4. The learned counsel appearing for the third respondent, on instructions, submitted that the representation of the petitioner dated 23.04.2013, will be considered and necessary orders will be passed on the same, by the authorities concerned. After passing final orders on the representation of the petitioner, necessary steps will be taken, following due process of law.

5. Under such circumstances, this Court directs the third respondent to consider and pass appropriate orders on the representation of the petitioner dated 23.04.2013, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Until such time, the interim order already granted by this Court on 29.04.2013, shall continue.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.
3. The Executive Officer,
Mudhukulathur Town Panchayat,
Mudhukulathur Taluk,
Ramanathapuram District.



+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.70453
+1cc to Mr.N.Dilipkumar , Advocate Sr.No.70401
+1cc to Spl.Government Pleader Sr.No.71342

GK
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VB/KK/SAR3/16/08/2017/3P/7C

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