

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10917 of 2018

M/s.Happy Home Landscape Private Limited
Rep.by its Power Agent
P.T.Srinivasalu Reddy.

...Petitioner

Versus

1.The Executive Officer,
Kannampalayam Village,
Kannampalayam Town Panchayat,
Palladam Taluk,
Coimbatore District.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Tahshildar,
Sulur Taluk,
Coimbatore District.

.... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 01.11.2017 consequently stop the construction of dump yard on the open space reservation gifted by the petitioner.

For Petitioner :Mr.P.Saravanan

For Respondents :Mr.V.Jayaprakash Narayanan for R1
Mr.B.Anand
Government Advocate for R2 and R3

O R D E R

Heard Mr.P.Saravanan, learned counsel for the petitioner, Mr.V.Jayaprakash Narayanan, learned counsel for the first respondent and Mr.B.Anand, learned Government Advocate appearing for the respondents 2 and 3.

2. The promoter of a lay out has filed this writ petition seeking a direction to the first respondent to consider his representation dated 01.11.2017.

3. According to the petitioner, a gift deed was executed in favour of the first respondent, measuring an extent of 111417 Sq.ft., in respect of Open Space Reservation land, for the purpose of public utility, but, the first respondent is now utilising the land as dumping yard. Hence, the petitioner gave a representation to the respondents. Since no action was forthcoming, the present writ petition.

4. The learned counsel for the petitioner submitted that it would suffice, if a suitable direction is given to the second respondent to consider the representation of the petitioner.

5. The learned Government Advocate appearing for the respondents 2 and 3 submitted that the second respondent is ready to consider the grievance of the petitioner in accordance with law.

6. In the light of the above submissions of the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 01.11.2017 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS -IV)

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Sub Assistant Registrar

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1. The Executive Officer,
Kannampalayam Village,
Kannampalayam Town Panchayat,
Palladam Taluk,
Coimbatore District.

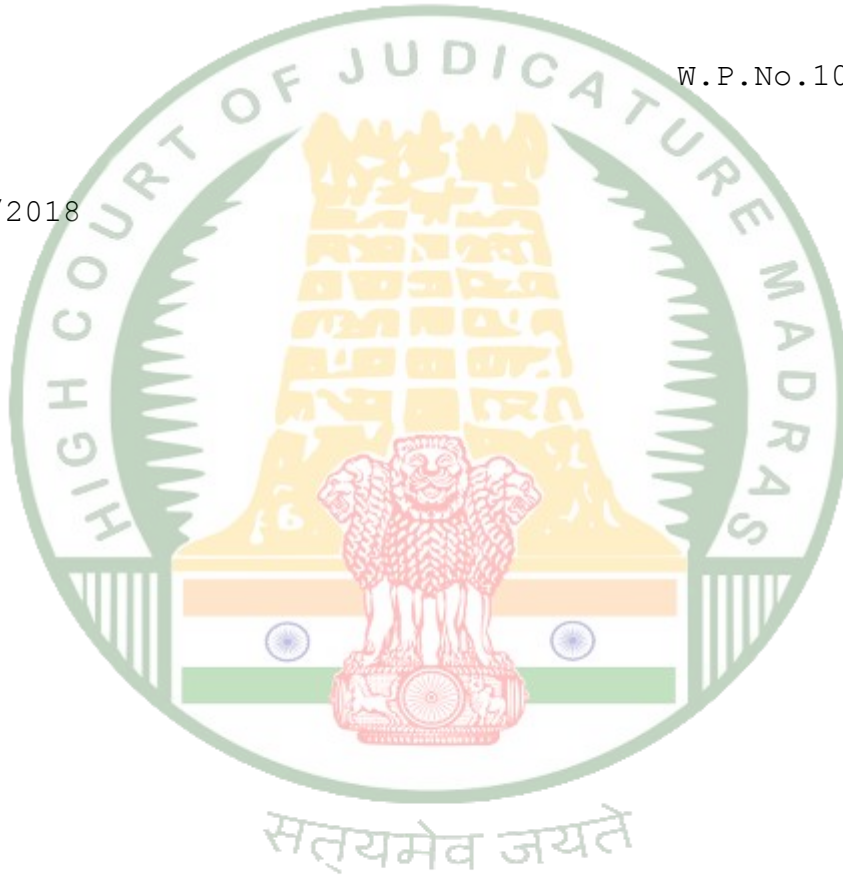
2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Tahshildar,
Sulur Taluk,
Coimbatore District.

+1cc to Mr.P.Saravanan, Advocate Sr.41717
+1cc to the Government Pleader Sr.42294

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srg 11/07/2018



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