

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.23773 of 2017
in W.M.P.No.24997 of 2017

M.Natarajan

...Petitioner

Vs.

1. The District Collector,
Coimbatore District,
O/o the District Collector,
Coimbatore - 641018.
2. The Assistant Director of Town Panchayat,
O/o the District Collector,
Coimbatore - 641018.
3. The Executive Officer,
Circar Samakulam Town Panchayat,
Circar Samakulam,
Coimbatore - 641107.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider the representation dated 19.06.2017 sent by the petitioner to the respondents for grant of license to maintain the passage with small bridge on the Municipal land abutting Kovai-Sathi Road connecting the petitioner's property containing Nataraja Saw Mill run at the land measuring about 4680 square feet in Survey No.27/1, (New Sub Division Survey No.27/1G) in Circar Samakulam Village, facing the Kovai-Sathi Road.

For Petitioner : Mr.S.D.S.Philip

For Respondents : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus to direct the respondents to consider the representation of the petitioner.

3. The case of the petitioner is that he is the absolute owner of the land measuring an extent of 4680 sq.ft. in Survey No.27/1, (New Sub Division Survey No.27/1G) in Circar Samakulam Village and it is facing Kovai-Sathi Road. He is running a Saw Mill in the name of Nataraja Saw Mill. The petitioner would further state that there is a 60 feet passage from the Coimbatore-Sathi Road to his property from the southern side and it is the only access to his property and he has been in enjoyment of the same for a long number of years.

4. The petitioner would state that in June 2017, there were lot of garbage and ditch water stagnated on the 60 feet passage, which caused damage to the bridge. Hence, the petitioner sent a representation, dated 14.06.2017 to the third respondent to take immediate action, followed by a reminder dated 19.06.2017. In pursuance of oral permission granted by the third respondent, he spent Rs.3,50,000/- by engaging a Panchayat Contractor to repair the bridge, however the petitioner's request to issue licence to maintain the said passage and bridge was not considered. Hence, he sent another representation dated 28.07.2017, as there was no reply, he has come forward with this writ petition.

5. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider the representations of the petitioner.

6. The learned Special Government Pleader submitted that the petitioner has encroached the Government land and he is not entitled for licence, based on his representation, dated, 19.06.2017. Anyhow, the respondents are ready to consider the grievance of the petitioner in accordance with law.

7. In the light of the submissions of the learned counsels on either side and also considering the nature of prayer sought for in the writ petition, this Court, without going into the merits of the case, directs the respondent to consider the representations of the petitioner, dated 19.06.2017 and 28.07.2017 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing

to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

To

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Circar Samakulam,
Coimbatore - 641107.

+1cc to Mr.S.D.S.Philip, Advocate Sr.46852

+1cc to the Government Pleader Sr.47550

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srg 1/8/2018