

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
AND

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.12107 of 2018
and W.M.P.No.14115 of 2018

G.Balathandayutham
S/o.Gopalan
Appellant

..

Vs

1.District Collector,
Perambalur District,
Perambalur.

2.District Revenue Officer,
Perambalur,
Perambalur District.

3.Revenue Divisional Officer,
Perambalur,
Perambalur District.

4.Tahsildar,
Veppanthattai Taluk,
Perambalur District.

5.The Block Development Officer,
Veppanthattai Panchayat Union,
Veppanthattai, Perambalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 5th Respondent in his notice No.Na.Ka.No.Aa3/4311/2017 dated 03.05.2018 and quash the same.

For Appellant : Mr.P.Ganesan
for
M/s.C.S.Associates

For Respondents: Mr.R.Udayakumar
Additional
Government Pleader

J U D G M E N T

[Judgment of the Court was made by V.PARTHIBAN, J.]

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein is the owner of the property through a registered sale deed dated 31.01.1994. He was running a provisional store and was also running hardware and electrical shop. Since he wanted to develop his business, he decided to demolish and construct a new building for his business purposes. Whiles, the Tahsildar, Veppanthattai came to the spot and orally instructed him not to construct any building in that place. Hence, the petitioner has submitted a representation to the respondents 1 and 2 on 21.04.2016. Since, no orders have been passed, the petitioner filed a writ petition in W.P.No.15569 of 2016, wherein this court has directed the third respondent to consider the representation of the petitioner dated 21.04.2016 and pass appropriate orders. Since, the said order was not complied, the petitioner filed contempt petition in C.P.No.2364 of 2016, which was rejected on 30.11.2016. As against the same, the petitioner filed an appeal before the second respondent, which is pending. Aggrieved against the same, the petitioner has filed a writ petition No.9538 of 2017 before this Court, wherein by an order dated 19.04.2017, this Court has directed the second respondent to consider and pass orders on the appeal preferred by the petitioner within eight weeks from the date of receipt of copy of this order. Since, no orders has been passed by the second respondent so far, the present writ petition has been filed.

3.Heard Mr.P.Ganesan, learned counsel appearing for the petitioner and Mr.R.Udayakumar, learned Additional Government Pleader appearing for the respondents.

4.This Court, in the light of the above facts and circumstances and without going into the merits of the case, the petitioner is directed to file an appeal before the first

respondent-The District Collector, Perambalur District, Perambalur, within a period of two weeks from the date of receipt of copy of this order. On such appeal if being filed, the District Collector, Perambalur District is directed to consider and dispose of the same on merits and in accordance with law within a period of four weeks thereafter.

5.In the meanwhile, there shall be an order of status quo as on date to be maintained by the parties. The petitioner shall not encumber or disturb the physical features of the property and shall not create any third party interest.

6.With the above observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(comp)/Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The District Revenue Officer,
Perambalur,
Perambalur District.
- 3.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

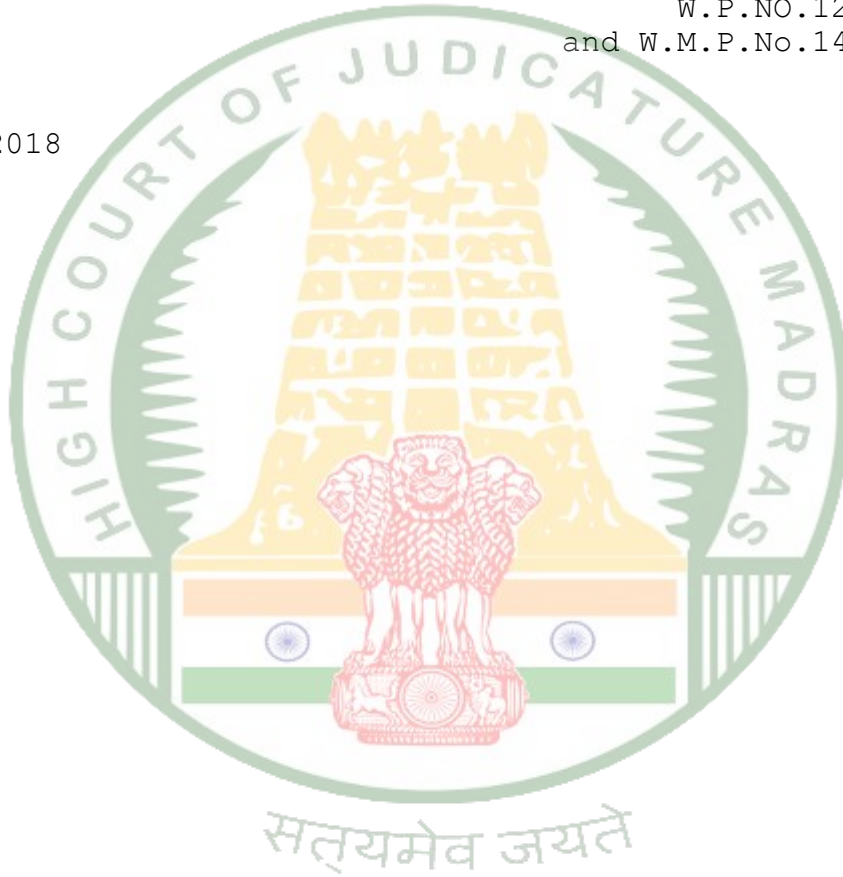
4.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

5.The Block Development Officer,
Veppanthattai Panchayat Union,
Veppanthattai, Perambalur District.

+1cc to M/s.C.S.Associates, Advocate sr.no.33348
+1cc to Government Pleader in sr.no.33356

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