

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.33105 of 2013
and M.P.No.1 of 2013

R.Backyraj

...Petitioner

Versus

1. The District Collector,
Cuddalore.

2. Gunaseelan,
Panchayat President,
Avinankudi Village Panchayat,
Thittakudi Taluk,
Cuddalore 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 representation dated 25.11.2013 not to construct a over tank on the way out of the petitioner land comprising of Survey No.50/3, 50/7, situated at Avinankudi village, Thittagudi Taluk, Cuddalore District.

For Petitioner: Mr.M.Velmurugan

For RR1 : Mr.N.Manikandan
Government Advocate

For RR2 : Mrs.M.E.Rani Selvam

O R D E R

The prayer in the writ petition is to direct the first respondent to consider the representation of the petitioner dated 25.11.2013.

2. According to the petitioner, he belongs to schedule caste community and he owned lands in Survey Nos.50/3, 50/7, to an extent of 1 acre 54 cents in Avinankudi village, Thittagudi Taluk, Cuddalore District. The petitioner would further state that the second respondent attempted to construct an overhead tank in a pathway and at his request the petitioner gifted 5 cents of land for construction of over head tank.

3. The petitioner would allege that due to political vendetta, the second respondent is now taking steps to construct water tank in the pathway and hence he submitted a representation to the first respondent on 25.11.2013. Since, no action was taken, the petitioner is before this Court by filing the present writ petition.

4. Heard Mr.M.Velmurugan, learned counsel for the petitioner, Mr.N.Manikandan, learned Government Advocate, for the first respondent and Mrs.M.E.Rani Selvam, learned Counsel for the second respondent and perused the records.

6. The learned Government Advocate submitted that the petitioner has not produced any proof for submission of the representation and if a representation is given, the same would be considered in accordance with law.

7. In the light of the above submission and the prayer sought for in the writ petition, this Court without going into the merits, directs the petitioner to give a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall consider the same and take appropriate action on merits after providing an opportunity to the necessary parties, within a period of eight weeks thereafter.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

The District Collector,
Cuddalore.

+1cc to the Government Pleader, S.R.No.8482

W.P.No.33105 of 2013

RRK(23/02/2018)