



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.5438 of of 2018

and

W.M.P. (MD) No.5369 of 2018

Ragupathi

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from closing the pathway and constructing the compound wall on the pathway towards the petitioner's lands in Town Survey No.630, 631, 633, 634, 634/1 and New Town Survey No.42, 43, 44 situated Chetinayakkan Patti Village, now 1st Ward, Dindigul Corporation, Dindigul District and further direct the respondents do not destroy the said pathway, based on the petitioner's representation dated 11.06.2012.

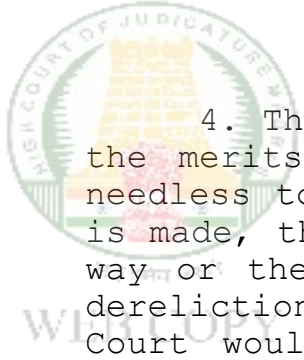
For Petitioner : Mr.G.Gomathi Sankar
For R1 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R2 : Mr.J.Lawrence

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the first respondent and Mr.J.Lawrence, learned counsel takes notice for the second respondent.

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

3. It is the grievance of the petitioner that his representation dated 11.06.2012, forbearing the respondents from closing the pathway and constructing the compound wall on the pathway towards the petitioner's lands in Town Survey Nos.630, 631, 633, 634, 634/1 and New Town Survey Nos.42, 43, 44 situated Chetinayakkan Patti Village, now 1st Ward, Dindigul Corporation, Dindigul District, has not been considered by the respondents till date and therefore, he has filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondents to consider the petitioner's representation dated 11.06.2012 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons, who may be interested in the subject matter.

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

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Dindigul Corporation,
Dindigul.

+1cc to M/S.G.Gomathi Sankar, Advocate SR.No. 73066
+1cc to Special Government Pleader, SR.No. 73045
+1cc to M/S.J.Lawrence, Advocate SR.No. 73364

W.P.(MD) No.5438 of of 2018
and
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das/akv

JM/SKN RSK/SAR 4/27.07.2018/2P/6C

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