



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15257 of 2018

WEB COPY

M/s.Arulmighu Mutharamman Kovil

Rep. by its Trustee

C.R.Selvam @ Rajaselvan

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District.

2. The Block Development Officer,
Tharumpuram Village,
Agastheewaram Taluk, Nagercoil
Kanyakumari District.

3. The Inspector of Police,
Rajakamangalam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents 1 and 2 from anyway developing the land belongs to the petitioner's temple situated in RS.No.224/18, Dharmapuram, Nagercoil, Kanyakumari District as a public pathway by considering the petitioner's representation dated 26.06.2018 in the nature and circumstances of the case and in the interests of justice, equity and good conscience.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji

For Respondents :

No.1 and 3

Mr.J.Gunaseelan Muthiah

Additional Government Pleader

No.2

Mr.M.Murugan

Government Advocate.

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 and 3. Mr. M.Murugan, learned Government Advocate takes notice for 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 26.06.2018 seeking to forbear the respondents 1 and 2 from anyway developing the land belongs to his temple



situated in RS.No.224/18, Dharmapuram, Nagercoil, Kanyakumari District as a public pathway, has not been considered by the second respondent 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 second respondent to consider the petitioner's representation dated 26.06.2018 on its own merits and take further action in accordance with law, within a period of eight 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 as well as to any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1. The District Collector,
Kanyakumari District.
2. The Block Development Officer,
Tharumpuram Village,
Agastheewaram Taluk, Nagercoil,
Kanyakumari District.
3. The Inspector of Police,
Rajakamangalam, Kanyakumari District.

+1CC to M/s.DHANA LAW ASSOCIATES., Advocate, SR.No. 73096

+1CC to the Special Government Pleader SR.No. 73669

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