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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No. 9650 of 2018
and
W.M.P.(MD) No.8905 of 2018

A.Kesavan ... Petitioner

vs.

1. The District Collector,
Trichy District,
Trichy.

2. The Block Development Officer/
The Special Officer,
Anthanallur Panchayat Union,
Trichy District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 13.11.2017 and thereby not to construct any building in S.No.154, Sathanur Village, Seerathoppu (Post) Maruthandakurichi, Trichy District which is classified and using by the villagers as 'Government Poramboke Kalam'.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents
No.1 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

No.2 : Mr. Sethuraman
Special Government Pleader.

O R D E R

Mr.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the first respondent. Mr. Sethuraman learned Special Government Pleader 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.

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3. It is the grievance of the petitioner that his representation dated 13.11.2017 seeking not to construct any building in S.No.154, Sathanur Village, Seerathoppu (Post) Maruthandakurichi, Trichy District which is classified and using by the villagers as 'Government Poramboke Kalam' 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 first respondent to consider the petitioner's representation dated 13.11.2017on 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 as well as to the respondents 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(P&A)

/True Copy/

Sub Assistant Registrar

To:
1. The District Collector, Trichy District, Trichy.

2. The Block Development Officer/
The Special Officer, Anthanallur Panchayat Union,
Trichy District.

+1CC to Mr.P.R.Prithivi Raj, Advocate, Sr.63689

aav
JM/KKR/SAR-I/17.05.2018/2P-4C

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