



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.05.2018
CORAM :

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

WP (MD) No.10999 of 2018
and
WMP (MD) No.10112 of 2018

K.Iyyakutti

... Petitioner

vs.

1)The District Collector,
O/o. The District Collector,
Tirunelveli District.

2)The District Assistant Registrar,
Milk and Dairy Development Department,
Kokkarakulam Post,
Tirunelveli District.

3)The Tahsildar,
O/o. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4)The Block Development Officer,
Nanguneri Panchayat Union,
Nanguneri,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation dated 06.03.2018 and take immediate action to stop the construction of Milk Producers Co-operative Society building in Survey No.507/6 (Grama Natham) in Savalaikarankulam, Ramakrishnapuram Village Panchayat, Ilavankulam Post, Nanguneri Taluk, Tirunelveli District, and shift the project to the originally allotted site (North-Western Side of Arulmigu Muppudathi Amman Temple) in Savalaikarankulam, Ilavankulam Post, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.Meenakshi Sundaram, Senior Counsel for
Mr.V.Balasubramanian

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Ms.J.Padmavathi Devi
Special Government Pleader

**ORDER****(Order of the Court was delivered by M.SUNDAR, J.)**

This writ petition filed as a Public Interest Litigation (for brevity, PIL), pertains to construction of a building for Milk Producers Co-operative Society in Tirunelveli District.

2.The site where the building has to be put up is subject matter of this lis.

3.It is the case of the writ petitioner that the said building is now being put up in Survey No.507/6, Savalaikarankulam, Ramakrishnapuram Village Panchayat, Ilavankulam Post, Nanguneri Taluk, Tirunelveli District.

4.It is the case of the writ petitioner that the aforesaid building was originally scheduled to be put up in another site details of which have been set out in the prayer.

5.We deem it appropriate to extract below the prayer made in this writ petition:-

'Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation dated 06.03.2018 and take immediate action to stop the construction of Milk Producers Co-operative Society building in Survey No.507/6 (Grama Natham) in Savalaikarankulam, Ramakrishnapuram Village Panchayat, Ilavankulam Post, Nanguneri Taluk, Tirunelveli District, and shift the project to the originally allotted site (North-Western Side of Arulmigu Muppudathi Amman Temple) in Savalaikarankulam, Ilavankulam Post, Nanguneri Taluk, Tirunelveli District.'

6.Learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4 who are official respondents.

7.It unfurls from the case file placed before us that the writ petitioner has sent a representation dated 06.03.2018.

8.Notwithstanding the averments that have been made in the affidavit filed in support of the writ petition, learned counsel abridges the prayer and states that he will be satisfied if there is a direction to respondent No.1, i.e., the District Collector, Tirunelveli District, to dispose of the aforesaid representation dated 06.03.2018.

9.Learned Special Government Pleader who accepted notice on behalf of the official respondents submits that the 1st respondent would be able to dispose of the aforesaid representation dated 06.03.2018 within four weeks from today.



10. It is also not in dispute before us that some pits have been dug in the aforesaid site and beyond that there is no construction.

11. Photographs have been produced by the writ petitioner which are not disputed.

12. In the light of the narrative supra, there shall be a direction to the respondent No.1 i.e., the District Collector, Tirunelveli District, to dispose of the representation dated 06.03.2018 (annexed at page 1 of the typedset of papers in the case file) within four weeks.

13. It is made clear that we have not expressed any opinion whatsoever on the merits of the submissions made by the writ petitioner.

14. The 1st respondent shall dispose of the aforesaid representation dated 06.03.2018 in a manner known to law after affording an opportunity of personal hearing to the writ petitioner and the order shall be communicated to the writ petitioner within five working days from the date of disposal of the representation.

15. In the interregnum, learned Special Government Pleader undertakes to instruct the officials to ensure that the pits are safely covered to ensure public safety.

16. Considering the nature of the order and the trajectory of the hearing, particularly, in the light of the fact that pits have been dug in the site, the respondents shall maintain status quo qua the construction of the building in the aforesaid site till the disposal of the representation date 06.03.2018.

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

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1) The District Collector,
O/o. The District Collector,
Tirunelveli District.

2) The District Assistant Registrar,
Milk and Dairy Development Department,
Kokkarakulam Post,
Tirunelveli District.



3) The Tahsildar,
O/o. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4) The Block Development Officer,
Nanguneri Panchayat Union,
Nanguneri,
Tirunelveli District.

+1CC to Mr.V.Balasubramanian, Advocate in SR.No.65351.

RMK/BALA

DS/SKN-RSK/SAR-4 :23.05.2018: 4P/6C

WP (MD) No.10999 of 2018
16.05.2018