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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15171 of 2018

and

W.M.P.(MD) No.13709 of 2018

The Pentecostal Mission
rep.by its Centre Pastor
Jacob Paul
No.262, Near William Hospital
M.S.Road, Nagercoil-629 001
Kanyakumari District

... Petitioner

vs.

1.The District Collector
Kanyakumari District at Nagercoil

2.The Revenue Divisional Officer
Padmanabapuram
Kanyakumari District

3.The Tahsildar
Villvancode
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to conduct the personal inspection of these properties situated in Ry.No.619/18A in Karungal Village, Vilvancode Taluk, Kanyakumari District and to pass orders directing the adjacent land owners growing trees very near to our property to uproot and remove the trees which are affecting the stability of our building situated in Ry.No.619/18A in Karungal Village, Vilvancode Taluk, Kanyakumari District and endangering the safety of the congregation members comprising of men, women and children.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.J.Gunaseelan Muthiah

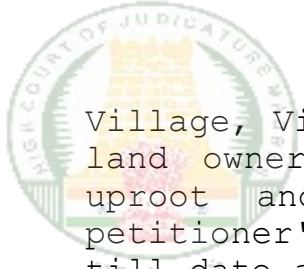
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

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 their representation dated 21.06.2018 seeking to conduct a personal inspection in the property, comprised in Ry.No.619/18A in Karungal



Village, Vilvancode Taluk, Kanyakumari District, direct the adjacent land owners, who growing trees very near to their property, to uproot and remove it as they affect the stability of the petitioner's building, has not been considered by the respondents till date and therefore, they have filed the present writ petition.

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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 21.06.2018 in the light of the order dated 30.08.2016, made in W.P.(MD) No.16288 of 2016, 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 petitioner's neighbours and any other persons who may be interested in the subject matter.

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

Sd/
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar (CS-II)

To:

- 1.The District Collector,
Kanyakumari District at Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.
- 3.The Tahsildar,
Villvancode,
Kanyakumari District.

+1cc to Mr.G.PRABHU RAJADURAI, Advocate, SR.No.73125

+1cc to M/s.Special Government Pleader,SR.No. 73047

W.P.(MD) No.15171 of 2018

and

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