

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3725 of 2019

and

WMP.No.4120 of 2019

R.Sangeetha

...Petitioner

Vs.

1. The Collector
Dharmapuri District
Dharmapuri.

2. The Tahsildar
Dharmapuri Taluk
Dharmapuri.

3. The Block Development Officer
(Village Panchayat)
V.Muthampatti Panchayat Union
Dharmapuri Taluk & District.

4. The Village Administrative Officer
V.Muthampatti
Dharmapuri Taluk & District.

5. The Deputy Director of Health Services
Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 12.11.2018 based upon the report of the 4th respondent dated 02.10.2018 and to provide alternate pathway to the petitioner to the extent of 26' x 90' feet in S.No.418/2 of V.Muthampatti Village to access the agricultural land of the petitioner situated at S.No.358/2, V.Muthampatti Village, Dharmapuri Taluk till such time direct the respondents not to put up compound wall for the construction of hospital premises.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.V.Prabhu
Government Advocate
for R1, R2, R4 & R5
Mr.Suresh Kumar
Government Advocate for R3

O R D E R

Mr.V.Prabhu, learned Government Advocate takes notice for the respondents 1, 2, 4 & 5. Mr.Suresh Kumar, learned Government Advocate takes notice for R3. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the respondents to consider her representation dated 12.11.2018 based on the report of the 4th respondent dated 02.10.2018 and to provide alternate pathway measuring an extent of 26' x 90' feet in S.No.418/2 of V.Muthampatti Village to have access to her agricultural land situated at S.No.358/2, V.Muthampatti Village, Dharmapuri Taluk and till such time, directing the respondents not to put up compound wall for the construction of hospital premises.

3. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2, 4 & 5 and the learned Government Advocate for the third respondent.

4. It is stated by the petitioner that access to her agricultural land situated at S.No.358/2 through a pathway situated at S.No.418/2 is sought to be taken away for the purpose of constructing a hospital. Therefore, the petitioner seeks for an alternative pathway to have access to her land. It is seen that the Village Administrative Officer through his letter dated 02.10.2018 made some proposal to the third respondent. Now, the petitioner has made a representation dated 12.11.2018 to the first respondent to consider the above said request in the light of the proposal made by the fourth respondent as stated supra.

5. The grievance of the petitioner before this Court is that the said representation has not been considered by the respondents so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the first respondent to consider

the representation dated 12.11.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Collector
Dharmapuri District
Dharmapuri.
- 2.The Tahsildar
Dharmapuri Taluk
Dharmapuri.
- 3.The Block Development Officer
(Village Panchayat)
V.Muthampatti Panchayat Union
Dharmapuri Taluk & District.
- 4.The Village Administrative Officer
V.Muthampatti
Dharmapuri Taluk & District.
- 5.The Deputy Director of Health Services
Dharmapuri.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.11161

+1cc to the Government Pleader, S.R.No.11818

PM(CO)
GSP(27/02/2019)

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