



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.18394 of 2019

A.Ganesan

... Petitioner

vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
O/o.The Tahsildar,
Orathanadu,
Thanjavur District.

4.The Block Development Officer,
O/o.The Block Development Officer,
Orathanadu,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to construct concrete structure / building for the petitioner's Community People in the burning ground to an extent of 5 cents situated in S.No.358/2, Thennamanadu Village, Orathanadu Taluk, Thanjavur District in accordance with Section 110 (f) of the Tamil Nadu Village Panchayat Act, 1994 and Government Order in G.O.Ms.No.115, Rural Development and Panchayat Raj Department dated 11.09.2006 within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
for Mr.T.Lajapathi Roy

For RR 1 to 3 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.



For R - 4

: Mr.A.Thiyagarajan,
Government Advocate.

ORDER

WEB COPY

Mr.M.Mahaboob Fazil, learned counsel on record for writ petitioner; Mr.Ayiram K.Selvakumar, learned Additional Government Pleader on behalf of respondents 1 to 3 and Mr.A.Thiyagarajan, learned Government Advocate on behalf of fourth respondent are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 04.06.2019 wherein writ petitioner has sought construction of structure / shed qua a burial ground in the allocated place.

4. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 04.06.2019 on its own merits and in accordance with law.

5. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 04.06.2019 made by the writ petitioner (page Nos.10 & 11 of the typed set of papers forming part of the case file).

6. It is made clear that in the course of the representation being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

7. The aforesaid representation dated 04.06.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of



this order.

8. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Rep. by the State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
O/o.The Tahsildar,
Orathanadu, Thanjavur District.

4.The Block Development Officer,
O/o.The Block Development Officer,
Orathanadu, Thanjavur District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-86063[F] dated 10/09/2019)

+1 CC to M/s.GP (SR-86131[F] dated 10/09/2019)

W.P (MD) No.18394 of 2019
09.09.2019

ps

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