

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19571 of 2013

S.Chinnasamy

...Petitioner

Vs

1.The District Collector,
Thiruppur.

2.The Tahsildar,
Madathukulam, Thiruppur District.

3.Nallasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 1st respondent to consider the representation of the petitioner herein dated 22.6.2013 and dispose of the same within the stipulated time.

For Petitioner : Ms.Revathy
for Mr.R.Nalliyappan
For Respondents-1 & 2: Mr.R.S.Selvam
Government Advocate
For Respondent-3 : Mr.R.Thirumoorthy

ORDER

This Writ Petition is heard through Video Conference on account of COVID-19 pandemic situation.

2. This Writ Petition has been filed for issuance of writ of mandamus, directing the first respondent to consider the representation of the petitioner herein dated 22.6.2013 and dispose of the same within the stipulated time.

3. The concern of the petitioner is that the third respondent is trying to lay a pipeline through his lands. The petitioner's lands are situate in S.No.235/6 and S.No.235/3 in Sankaramanallur North Village, Madathukulam Taluk, Thiruppur District. There is a road on S.No.244/2, which is classified as 'Vandi Pathai'. The third respondent is having lands in

S.Nos.232/1A and 244/1B. For the purpose of irrigating his lands, the third respondent had made an application before the second respondent requesting him to issue permission to lay the pipe line in S.No.244/2, which is a common pathway and that was allowed by the second respondent, without getting the consent of the petitioner, through whose lands the pipe lines have been taken. Hence, a representation was made by the petitioner to the respondents 1 and 2 on 22.06.2013, admittedly, that has not been considered by the respondents 1 and 2 till today.

4. In the mean while, it is stated by the learned Government Advocate appearing for the respondents 1 and 2 that the petitioner himself died on 29.08.2018.

5. However, considering the facts of the case, if the representation sent by the deceased petitioner is on file with either of the official respondents, the same may be considered, after issuing notice to the legal heirs of the petitioner and the third respondent herein and also after affording them an opportunity of personal hearing, orders shall be passed on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg/srn

To

1. The District Collector,
Thiruppur.
2. The Tahsildar,
Madathukulam, Thiruppur District.

+1 cc to The Government Pleader, Sr.No. 30758

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KJ(CO)
RMP(13/10/2020)