

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12034 of 2020

and

WMP No.14773 of 2020

Eswari

W/o.Late Venkidusamy

... Petitioner

Vs

- 1 The District Collector
Erode District
- 2 The Revenue Divisional Officer,
RDO Office, Gobichettipalayam.
- 3 The Assistant Director,
Town and Country Planning Department,
Collectorate, Erode.
- 4 The Block Development Officer,
Village Panchayat Union office,
Gobichettipalayam.
- 5 The Management,
Mariyamman Temple, Seriyampalayam,
Perunthalaiyur Post, Bhavani Taluk,
Erode District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1 to 4 to prevent the 5th respondent from constructing the Shed in common pathway leading to the petitioner's residential house comprised in S.F.No.455/22 in Grama Natham patta No. 496 Perunthalayur Village Erode District by considering the petitioner's representation dated 15.07.2020.

For Petitioner : Mr.D.R.Arunkumar
For Respondents : Mr.MD.Ilayaraja for R1 to R4
Government Advocate
Notice to R5-Dispensed with

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.MD.Ilayaraja, learned Government Advocate takes notice for the respondents 1 to 4. Since this writ petition is being disposed of without affecting the interest of the fifth respondent, notice to the said respondent is dispensed with.

3. The petitioner seeks for a mandamus directing the respondents 1 to 4 to prevent the 5th respondent from constructing the Shed in common pathway leading to her residential house comprised in S.F.No.455/22 in Grama Natham patta No. 496, Perunthalayur Village, Erode District by considering her representation dated 15.07.2020.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4.

5. The grievance of the petitioner is that the fifth respondent is putting up a shed in common pathway leading to her residential house comprised in Survey No.455/22 at Peruthalayur village. Ventilating such grievance, the petitioner made a representation before the official respondents on 15.07.2020. Her grievance is that the said representation has not been considered 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 concerned official viz., the second respondent to consider and pass appropriate orders, after hearing the petitioner as well as the fifth respondent. Accordingly, this Writ Petition is disposed of, without expressing any view on the merits of the matter, only with a direction to the second respondent to consider the representation of the petitioner dated 15.07.2020 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the fifth

respondent. Such exercise shall be done by the fifth respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

vri/mk

To

- 1 The District Collector
Erode District.
- 2 The Revenue Divisional Officer,
RDO Office, Gobichettipalayam.
- 3 The Assistant Director,
Town and Country Planning Department,
Collectorate, Erode.
- 4 The Block Development Officer,
Village Panchayat Union office,
Gobichettipalayam.
- 5 The Management,
Mariyamman Temple, Seriyampalayam,
Perunthalaiyur Post, Bhavani Taluk,
Erode District.

+2 ccs to the Government Pleader sr29236,
29253

+1 cc to Mr.D.R.Arun Kumar advocate sr29470

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aa19/10/2020

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