

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18850 of 2020
(Heard through VC)

K.Sivasubramaniam

..Petitioner

-vs-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Sub Collector,
Dharapuram,
Tiruppur District.
3. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the Statuary Appeal filed by the petitioner on 20.09.2020 within a stipulated time.

For Petitioner : Ms.Hemalatha for
Mr.C.Prakasam

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The prayer sought for in this writ petition is for a direction to the first respondent to dispose the Statuary Appeal filed by the petitioner on 20.09.2020 within a stipulated time.

2. The petitioner and his brother are the absolute owners of the properties situated in S.No.213/3, Amaravathipalayam Village, Tiruppur District. The petitioner has decided to cultivate the agricultural crops in his own land. For that purpose, he started levelling his land, at that time, the people, who are living in the same village have made false

representation to the third respondent, as if, without getting prior permission from the third respondent, the petitioner was digging one corner of the land and removing soil and levelling in other part of the land. The third respondent after receipt of such representation, inspected the petitioner's land and submitted a report to the second respondent. The second respondent without giving any notice and without conducting any enquiry, imposed penalty of Rs.14,19,246/- to the petitioner vide its proceedings dated 08.09.2020. Aggrieved by the said order, the petitioner has preferred an appeal before the first respondent dated 20.09.2020. But, till today, no order has been passed by the first respondent. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to dispose of the appeal preferred by the petitioner dated 20.09.2020, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Sub Collector,
Dharapuram,
Tiruppur District.
3. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.

+1cc to the Government Pleader, S.R.No.41312

W.P.No.18850 of 2020

(CO)
rv(08/01/2021)



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