



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1768 of 2020

P.Annakamu

... Petitioner

Vs.

- 1) The District Collector,
Dindigul District,
Dindigul.
- 2) The Assistant Director(Panchayat),
O/o the Assistant Director (Panchayat),
Dindigul District.
- 3) The Block Development Officer,
O/o Block Development Office,
Sannarpatti Panchayat Union,
Sannarpatti,
Dindigul Taluk & District.
- 4) The Assistant Engineer,
O/o Block Development Officer,
Sannarpatti Panchayat Union,
Sannarpatti,
Dindigul Taluk & District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 14.11.2019.

For Petitioner : Mr.V.Illanchezian

For RR 1, 2 & 4 : Mr.M.Murugan,
Government Advocate

For R-3 : Mr.A.Thiagarajan

O R D E R

Mr.M.Murugan, learned Government Advocate takes notice for respondents 1,2 and 4 and Mr.A.Thiagarajan, learned counsel takes

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notice for the third respondent.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 14.11.2019.

4. Though vakalat was filed by Mr.A.Thiagarajan, learned counsel appearing for the third respondent, who is the Block Development Officer herein, no representation was made on behalf of the third respondent, despite his name being printed in the cause list during the last hearing. Therefore, Mr.P.Manimuthu, Block Development Officer, Sannarpatti Panchayat Union, Dindigul Taluk was directed to appear before this Court today.

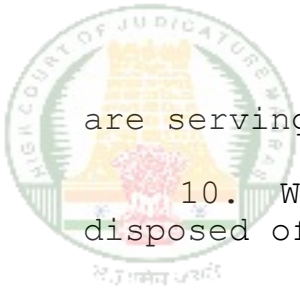
5. The reason for non-appearance of the third respondent during the previous hearing is that, without any instructions from the Block Development Officer as to the progress made, based on the communication dated 22.11.2019 from the Assistant Director (Panchayat) and the Project Director, Dindigul on 29.11.2019, the learned counsel could not report before this Court. No counter affidavit was also filed on that date.

6. Today, the official after being summoned by this Court, has filed the counter affidavit in which it is stated that the petitioner had earlier filed a writ petition challenging the notice of removal of encroachment in Survey No.843/5. The learned Government Advocate points out that the petitioner himself had encroached upon the land in Survey no.843/5.

7. The learned counsel appearing for the petitioner submits that the respondents must be restrained from laying road in his patta land lying in S.Nos.844/1, 844/6 and 844/7.

8. The learned Government Advocate also submits that laying of the road will be done only after surveying the lands. Therefore, the petitioner need not have any apprehension in laying down of road in his patta land. However, the third respondent is directed to consider the representation of the petitioner and dispose of the same on merits and in accordance with law, after hearing the interested parties within a period of four weeks from the date of receipt of a copy of this order.

9. The Block Development Officer, who ought to have given instructions, could have saved lot of time of this Court by even instructing the Government Advocate over phone. But the irresponsible attitude of the officer has caused the said delay and waste of time for the Court. It is high time that the officials, who



are serving the citizens, act with responsibility and sincerity.

10. With the above observations, the Writ Petition stands disposed of. No costs.

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sd-
Assistant Registrar(Crl.Side)
// True Copy //

/ /2020
Sub Assistant Registrar

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To:

- 1) The District Collector,
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- 4) The Assistant Engineer,
O/o Block Development Officer,
Sannarpatti Panchayat Union,
Sannarpatti,
Dindigul Taluk & District.

+1 CC to M/s.SPL.GP (SR-7542[F] dated 21/02/2020)

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-7217[F] dated
20/02/2020)

W.P(MD)No.1768 of 2020

Dated:
19.02.2020

AP(16.03.2020) 3P 7C