



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14510 of 2020

and W.M.P. (MD).No.12165 of 2020

WEB COPY

S.Gowthaman

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

3.The Manager,
Aavin Sales Center,
Manthithoppu Road,
Kovilpatti,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove the Shop erected in front of the petitioner's house situated in Door No.140, Kadalaiyur Road, Kovilpatti, Thoothukudi District, by considering the petitioner's representation dated 03.10.2020.

For Petitioner
For Respondents

: Mr.N.Pragalathan
: Mr.M.Rajarajan for R1 & R2
Additional Government Pleader
Mr.E.Mareeskumar for R3
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to remove the Shop erected in front of the petitioner's house situated in Door No.140, Kadalaiyur Road, Kovilpatti, Thoothukudi District, by considering the petitioner's representation dated 03.10.2020.

2.Heard Mr.N.Pragalathan learned counsel for the petitioner. Mr.M.Rajarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2 and Mr.E.Mareeskumar, learned Standing counsel, accepts notice on behalf of the third respondent.

3.By consent of both parties, this writ petition is taken up



for final disposal at the admission stage itself.

4.The petitioner claims that he is the absolute owner of the aforementioned property. According to him, the third respondent has illegally erected the Shop adjacent to the petitioner's compound wall. Therefore, he gave a representation, on 03.10.2020, to the respondents 1 and 2 to remove the shop erected by the third respondent. According to the petitioner, till date, the said representation has not been duly considered by the respondents 1 and 2. In such circumstances, this writ petition has been filed.

5.The relief sought for by the petitioner is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner is considered on merits and in accordance with law. According to the petitioner, the third respondent has erected the shop illegally and his Easementary rights have been affected, because of the same. It is for the respondents 1 and 2 to consider the grievances of the petitioner on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the respondents 1 and 2, to consider the petitioner's representation dated 03.10.2020, requesting them to remove the shop erected by the third respondent, adjacent to the petitioner's house, at Door No.140, Kadalaiyur Road, Kovilpatti, Thoothukudi District and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Before passing final orders, it is made clear that the petitioner as well as the third respondent shall be given opportunity to put forward their respective submissions.

7.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

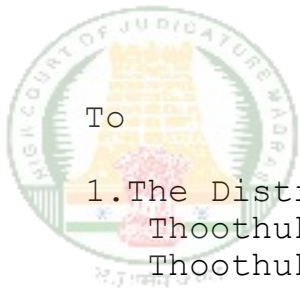
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Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

WEB COPY

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-20561[F] dated 19/10/2020)

W.P (MD) .No.14510 of 2020
16.10.2020

AC (CO)
KB (02.11.2020) 3P 4C