



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14509 of 2020
and W.M.P. (MD).No.12164 of 2020

Hema Rubini

.. Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Tahsildar,
Singampunari Taluk,
Sivagangai.

3.The Block Development Officer,
Singampunari Panchayat Union,
Sivagangai.

4.Muraiyur Village Panchayat,
Rep. Through its Executive Officer,
Muraiyur Panchayat Office,
Muraiyur, Singampunari.
Sivagangai.

5.N.M.Suresh

6.Pon.Gunasekaran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 respondents herein to consider the representation dated 08.07.2020, 05.10.2020 submitted by the petitioner's care taker and another representation dated 09.10.2020, to restrain the 5 and 6 respondents herein from any manner laying road in Survey No.303/3, Muraiyur Village, Singampunari Taluk, Sivagangai District, within in a time stipulated by this Court.



For Petitioner : Mr.V.Meenakshi Sundaram
For Respondents : Mr.C.Ramar for R1, R2 & R4
Additional Government Pleader

Mr.C.Ramesh for R3
Special Government Pleader

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to consider the representations of the petitioner dated 08.07.2020, 05.10.2020 and 09.10.2020 to restrain the respondents 5 and 6 from any manner laying road in S.No.303/3, Muraiyur Village, Singampunari Taluk, Sivagangai District, within a time frame fixed by this Court.

2.Heard Mr.V.Meenakshi Sundaram, learned counsel for the petitioner. Mr.C.Ramar, learned Additional Government Pleader, accepts notice on behalf of the respondents 1, 2 and 4 and Mr.C.Ramesh, learned Special Government Pleader, 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 case of the petitioner is that she is the absolute owner of the aforementioned property and patta also stands in her name. According to her, the respondents 5 and 6 has commenced the work for laying road in the petitioner's property. Therefore, the petitioner has given representations on 08.07.2020, 05.10.2020 and 09.10.2020 to the respondents 1 to 4 to forbear the respondents 5 & 6 from laying road in the petitioner's property. According to her, till date, the said representations have not been considered by the respondents 1 to 4. 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 representations of the petitioner are duly considered by the respondents 1 to 4, on merits and in accordance with law. The learned counsel for the petitioner contends that 50% of the road laying work has now being completed. Hence, it is just and necessary that the representations of the petitioner to forbear the respondents 5 & 6 from laying road in her property will have to be considered expeditiously.



6.For the foregoing reasons, this Court directs the respondents 1 to 4 to consider the petitioner's representations dated 08.07.2020, 05.10.2020 and 09.10.2020, requesting the respondents 1 to 4 to restrain the fifth and sixth respondents from in any manner laying road in S.No.303/3, Muraiyur Village, Singampunari Taluk, Sivagangai 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.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Collectorate, Sivagangai District.
- 2.The Tahsildar, Singampunari Taluk, Sivagangai.
- 3.The Block Development Officer,
Singampunari Panchayat Union, Sivagangai.
- 4.The Executive Officer,
Muraiyur Village Panchayat,
Muraiyur Panchayat Office, Muraiyur, Singampunari.
Sivagangai.

+1 CC to M/s.GP (SR-20570[F] dated 19/10/2020)

**W.P (MD) .No.14509 of 2020
16.10.2020**

ck(CO)

TR(02.11.2020) 3P 6C

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