



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.3320 of 2018

WEB COPY

P.Pandian

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni District.

2.The Commissioner,
Theni and Allinagaram Municipality,
Theni District,
Theni.

3.Tamaraiselvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to form the Theni - Allinagaram Scheme Road No.VIII as per the resolution No.1594 dated 31.05.2010 by considering the petitioner's representation dated 08.04.2017 within the time stipulated by this Court.

For Petitioner: Mr.M.Suresh

For R1 : Mr.M.Pandiarajan
Additional Government Pleader

For R2 : Mr.K.Hema Karthikeyan
Standing Counsel

ORDER

This writ petition is filed to direct the respondents 1 and 2 to form the Theni - Allinagaram Scheme Road No.VIII, as per the resolution No.1594, dated 31.05.2010, by considering the petitioner's representation dated 08.04.2017.

2.Heard Mr.M.Suresh, learned counsel appearing for the petitioner, Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the first respondent and Mr.C.Hema Karthikeyan, learned Standing Counsel appearing for the second respondent.

3.According to the petitioner, the property in Survey No.194, measuring to an extent of 9167



sq.feet, was purchased by the petitioner's father and thereafter, his father executed a settlement deed in favour of the petitioner and the petitioner is in possession and enjoyment of the same. In the said circumstances, the second respondent has passed a resolution on 31.05.2010 in connection with the formation of a scheme Road, which is laid through petitioner's property. The third respondent, who is the petitioner's adjacent land owner, preventing the second respondent officials from implementing and laying the said road. Even more than 7 years period has lapsed from the date of passing the resolution, the respondents did not take any steps for formation of such road. In this regard, the petitioner has made a representation dated 08.04.2017 to the respondents. Since no action has been taken, the petitioner is before this Court

4. The learned Standing Counsel appearing for the second respondent submitted that the petitioner's representation dated 08.04.2017 is pending before the second respondent and the same will be considered in accordance with law.

5.Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 08.04.2017 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

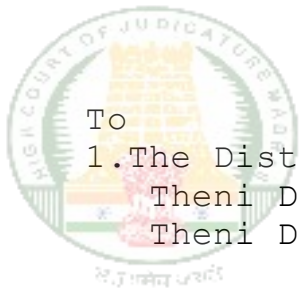
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Sub Assistant Registrar(CS)

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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,
Theni District,
Theni District.

2.The Commissioner,
Theni and Allinagaram Municipality,
Theni District,
Theni.

+1 CC to Mr.K. HEMAKARTHIKEYAN, Advocate (SR-17474[F] dated
18/09/2020)

+1 CC to SGP (SR-17510[F] dated 21/09/2020)

W.P. (MD) No.3320 of 2018
17.09.2020

AC (CO)
KM (29.09.2020) 3P 5C