



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25475 OF 2021

M.Ethiraj

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Sulur Taluk,
Coimbatore District.

... Respondents

Petition 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 petitioner's representation dated 04.09.2021.

For Petitioner : Mr.S.Shankar

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 04.09.2021.

2. By consent of the Learned counsel appearing on either side, this writ petition is taken up for final disposal.

3. Heard learned counsel appearing for both sides and perused the materials placed on record.

4. Mr. S.Shankar, Learned Counsel for the petitioner admitted that the petitioner along with his legal heirs are



joint owners of the property bearing Survey No. 251/3-B and the subject property in issue bearing Survey No.251/3-A has already been handed over as gift to the concerned Panchayat for public purposes. However, a representation dated 04.09.2021 has been made by the petitioner to the official respondents to utilize the gifted subject property as road. Since no action is taken on the representation submitted by the writ petitioner, the writ petitioner has filed the present writ petition.

5. Learned Counsel for the petitioner further submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 04.09.2021 and pass orders on the same within a particular time frame fixed by this Court.

6. Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the subject property in question has classified as reserved site. However, the said road is formed by the authorities of Mithra Garden and the said private layout is the unapproved land, executed a gift deed in favour of the local body, in which, the Tahsildar has no power to form a road. If the petitioner is aggrieved by the same, he has to submit an application/representation only before the authority concerned.

7. Learned Counsel for the respondents further submitted that as the official respondents are not the authority concerned to decide the relief as such sought in the aforesaid representation made, the writ petition has to be dismissed.

8. Considering the submissions so made by the learned counsel appearing on either side, this Court does not find any valid ground to entertain this writ petition and cannot issue any positive direction in favour of the petitioner.

9. In view of the above, this writ petition is dismissed. The petitioner is at liberty to make a fresh representation before appropriate authorities in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Rli / sp



To

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Sulur Taluk,
Coimbatore District.

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.62042

+1cc to the Government Pleader, S.R.No.62214

W.P.No.25475 of 2021

KG (CO)
RLP (15/12/2021)