



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1193 of 2021

WEB COPY

P.Dhanapal

... Petitioner

Vs.

Kundrakudi Village Panchayat,
Represented through its President,
Kundrakudi,
Thirupathur Taluk,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent herein to consider the petitioner's representation dated 02.11.2020 and reminder representation dated 05.12.2020 and implement the resolution No.354 dated 06.12.2013 passed by the Respondent Panchayat in respect of the land in Survey No.153/6 measuring 0.05.80 Ares in Kundrakudi Village, Thirupathur Taluk, Sivagangai District within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondent : Mr.P.Pandiyarajan

ORDER

The land of the petitioner was taken possession by the respondent/Kundrakudi Village Panchayat, Thirupathur Taluk, Sivagangai District for construction of a bus stop. The patta stands in the name of the petitioner. There is no dispute that the land belonged to the petitioner.

2. The respondent however did not construct the bus stop. They did not even return the land but they had passed a resolution on 06.12.2013, nearly about 8 years back, wherein, they had very clearly stated that they would remove whatever the portion has been constructed and hand over the possession to P.Dhanapal, the petitioner herein. The grievance of the petitioner is that even after eight years, the respondent had not put the said resolution into force and had not actually handed over the land. In this connection, the petitioner had given a representation on 02.11.2020 and again on 05.12.2020.

3. A direction is given to the respondent/Kundrakudi Village Panchayat to immediately implement the said resolution dated 06.12.2013 and hand over the vacant possession of the land either with or without the construction put up, which the petitioner may also remove if the land is handed over to him. The handing over of



the land to the petitioner herein is to be completed on or before 31.01.2022.

4. If the respondent desires they may issue notice to the petitioner, call him for enquiry and identify the land and thereafter hand over the land and they may also have a small function for the same, but the land must be handed over to the petitioner on or before 31.01.2022.

5. Mr.P.Pandiyarajan, learned counsel for the petitioner, stated that the representation can be considered but since a resolution had already passed, I hold that once again holding an enquiry on the representation would only be an exercise to protract the issue further.

6. With the said observations, this Writ Petition stands allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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:-

The President,
Kundrakudi Village Panchayat,
Kundrakudi,
Thirupathur Taluk,
Sivagangai District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-39925[F]
dated 22/12/2021)

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SK(CO)
GC(31.12.2021) 2P 3C