



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No. 9255 of 2021 and

WMP(MD).No. 6969 of 2021

WEB COPY

Emerson Kovil Singh

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Engineer,
Distribution / Urban,
TANJEDCO,
Palaniyappapuram,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the second respondent from implanting the posts and pillars in the land in Survey No.564 / 10 of Karungadal Village in Palaniappapuram at Sathankulam Taluk and to consider the petitioner's representation dated 20.03.2021 within the stipulated time.

For Petitioner : Mr.Ebenezer .T.A.

For Respondents : Mr.P.Thilak Kumar,
Standing Counsel for Government

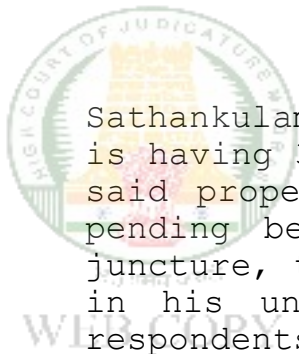
ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed for forbearing the second respondent from implanting the posts and pillars in the land in Survey No.564 / 10 of Karungadal Village in Palaniappapuram at Sathankulam Taluk and consequently, directing the 2nd respondent to consider his representation, dated 20.03.2021, within the time to be stipulated by this Court.

4. According to the petitioner, the subject land in S.No.564 / 2010 situated at Karungadal Village in Palaniappapuram at



Sathankulam Taluk was originally owned by his grandfathers and he is having 35 Cents undivided share in it. In order to partition the said property among legal heirs, a suit in O.S.No. 37 of 2021 is pending before the District Munsif Court, Sathankulam. At this juncture, the 2nd respondent is preparing to implant pillar and posts in his undivided land and hence, the petitioner approached the respondents requesting to stop the said work, by considering his representations dated 20.03.2021 and 22.03.2021 respectively. Since no action has been taken by them, the present Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 20.03.2021, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order

8. With the above direction, the writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

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.

2.The Assistant Engineer,
Distribution / Urban,
TANJEDCO,
Palaniyappapuram,
Thoothukudi District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-18785[F] dated 04/06/2021)

+1 CC to M/s.SPL GP (SR-18931[F] dated 07/06/2021)

W.P(MD)No. 9255 of 2021 and
WMP(MD) .No. 6969 of 2021
04.06.2021

KK(15.06.2021) 3P 5C