



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12079 of 2021

Nagarajan

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Block Development Officer,
Vasudevanallur Panchayat Union,
Vasudevanallur,
Tenkasi District.
- 3.The Deputy Block Development Officer,
Vasudevanallur Panchayat Union,
Vasudevanallur,
Tenkasi District.
- 4.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.
- 5.The Sub Inspector of Land Survey,
Land Survey Department,
Vasudevanallur,
Tenkasi District.
- 6.The Executive Engineer,
Public Works Department,
Vasudevanallur Block,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from forming a pathway or road in the manner having ingrees and egress through the petitioner's properties in S.Nos.292/5B2 & 292/5B2F situated in Subramaniyapuram Village, Vasudevanallur, Tenkasi District by considering the petitioner's representation, dated 05.01.2021.

For Petitioner : Mr.Kathiresaperumal.R

For Respondents : Mr.M.Lingadurai,
Government Advocate



ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the third respondent to consider the representation made by the petitioner, on 05.01.2021, wherein, the petitioner has sought for forbearing the respondents from forming any pathway / road and thereby, prevent the petitioner's ingress and egress to his property.

2.The case of the petitioner is that the Authorities were taking steps to form a pathway to reach the graveyard. It is stated that the Authorities without taking steps to form the pathway through the Government lands, were taking steps to form the pathway through the patta lands belonging to the petitioner. Therefore, the petitioner made a representation in this regard.

3.The further case of the petitioner is that the second respondent by proceedings, dated 30.04.2021, has directed the third respondent to consider the representation made by the petitioner in line with G.O.Ms.No.73, Personnel and Administrative Refomrs (A) Department, dated 11.06.2018. The grievance of the petitioner is that there was absolutely no progress after the directions issued by the second respondent and hence, left with no other alternative, the present writ petition has been filed seeking for appropriate directions.

4.Heard Mr.R.Kathiresaperumal, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to consider the representation made by the petitioner, on 05.01.2021 and deal with the same on its own merits and in accordance with law and in line with the directions issued by the second respondent through proceedings, dated 30.04.2021, within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of with the above directions.
No costs.

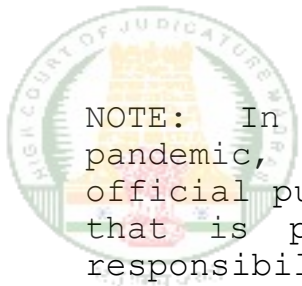
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

- To
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 - 6.The Executive Engineer,
Public Works Department,
Vasudevanallur Block,
Tenkasi District.

+1 CC to M/s.R.KATHIRESAPERUMAL, Advocate (SR-23105[F] dated 19/07/2021)

W.P. (MD) .No.12079 of 2021

Dated :19.07.2021

RK (26.07.2021) 3P 8C