



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.14370 of 2021

WEB COPY

Johnbritto

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

3.The Commissioner cum Block Development Officer,
Ilayankudi Panchayat Union,
Ilayankudi, Sivagangai District.

4.The President,
South Keeranur Panchayat,
Valaiyanenthall Group,
Ilayangudi Taluk,
Sivagangai District.

5.The State represented by
Inspector of Police,
Ilayangudi Police Station,
Ilayangudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 15.02.2021 submitted for stalling the compound wall constructed by the fourth respondent herein by completely obliterating the Vandipathai comprised in Survey No.63/2B2 situated at South Keeranur Panchayat, Ilayangudi Taluk, Sivagangai District within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For R1, R2 : Mr.R.Baskaran
& R5 Counsel for State.
For R-3 & R-4 : Mr.A.Baskaran



ORDER

The petitioner seeks to prevent the construction of a compound wall by the fourth respondent on the ground that such compound wall obstructs the Vandipathai in Survey No.63/2B2 at South Keeranur Panchayat, Ilayangudi Taluk, Sivagangai District.

2. The petitioner asserts that he is the absolute owner of the land bearing Survey No.63/2B1, admeasuring about 0.23.5 ares of nanja land. He states that the revenue authorities have issued a patta and that his name is entered in the Adangal extract maintained by the second respondent.

3. According to the petitioner, the fourth respondent is taking steps to construct a compound wall, which would completely block the Vandipathai and thereby impede ingress to and egress from the petitioner's property. Therefore, the petitioner carried a representation dated 15.02.2021 to the first respondent and has filed the present Writ Petition in view of the failure to take action thereon.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first, second and fifth respondents. Mr.A.Baskaran, learned Standing Counsel, accepts notice on behalf of the third and fourth respondents.

5.The petitioner has enclosed the FMB Sketch indicating the properties bearing Survey Nos.63/2B1 and 63/2B2. He has also enclosed a copy of his representation and the acknowledgement on receipt thereof.

6. In the aforesaid circumstances, a case is made out to direct the first respondent to consider and dispose of the petitioner's representation on merits.

7. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 15.02.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the fourth respondent herein and any other person who would be affected by such decision. On account of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear the fourth respondent and other affected parties before taking a decision, the Writ Petition is disposed of without notice to the fourth respondent.



WEB COPY

W.P(MD)No.14370 of 2021

8. W.P.(MD).No.14370 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tsg

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,
Sivagangai District, Sivagangai.
- 2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
- 3.The Inspector of Police, Ilayangudi Police Station,
Ilayangudi, Sivagangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-26460[F] dated 16/08/2021)

+1 CC to M/s.SPL GP (SR-26513[F] dated 17/08/2021)

W.P (MD) No.14370 of 2021
16.08.2021

DKS (CO)
SB(07.09.2021) 3P 6C