



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15236 of 2021

and

W.M.P. (MD) .No.12160 of 2021

R.Vijayalakshmi

... Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Block Development Officer,
O/o. the Block Development Office,
Panchayat Union Office,
Theni,
Theni District.

3.The President,
Village Panchayat Office,
Koduvilarpatti Post,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to forbear the respondents 2 and 3 from laying mud road in respect of petitioner's land and measuring an extent of 10.5 Cents situated in Survey No.280/3 at Koduvilarpatti Village, Theni District and consequently to direct the first respondent to consider and pass suitable orders by considering the petitioner's representation dated 24.07.2021 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For R1 : Mr.K.S.Selva Ganesan,
Counsel for State.
For R2 and R3 : Mr.A.K.Manikkam.

ORDER

The petitioner seeks to prevent the laying of a mud road by the second and third respondents in the petitioner's land bearing Survey No.280/3 at Koduvilarpatti Village, Theni District.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioner states that the above mentioned land of



an extent of 23 Cents originally belonged to his grandmother. His grandmother executed a gift deed in his favour for an extent of 10.5 Cents out of the above mentioned 23 Cents. Based on such gift deed, it is stated that a joint patta was issued in his name and in the name of his grandmother.

WEB COPY 3. According to the petitioner, the second and third respondents are endeavouring to lay a mud road in his land at the behest of an adjacent land owner. Therefore, the petitioner submitted a representation on 24.07.2021 and has approached this Court in view of the alleged failure of the respondents to take action thereon.

4. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of the first respondent. Although Mr.Manikkam, learned counsel, entered appearance on behalf of the second and third respondents at the last hearing, he is not present today. However, in view of the nature of order proposed to be issued, the Writ Petition is being disposed of without hearing the second and third respondents.

5. Given the limited scope of the Writ Petition, it is not necessary to enter findings on the merits thereof. It is sufficient if the petitioner's representation is considered and disposed of by the jurisdictional Tahsildar.

6. Accordingly, the petitioner is permitted to carry a fresh representation to the jurisdictional Tahsildar with regard to the grievances indicated in the present Writ Petition. Such representation shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Tahsildar is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the third respondent herein. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of the fresh representation from the petitioner.

7. Accordingly, W.P.(MD).No.15236 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.12160 of 2021 is closed.

Sd/-

Assistant Registrar (AD.II)

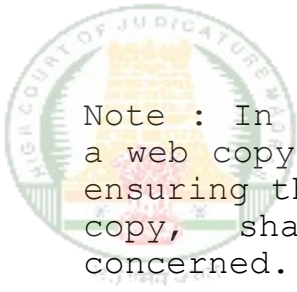
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/ /2021

Sub Assistant Registrar(CS)

Tsg

<https://hcservices.ecourts.gov.in/hcservices/>



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
- 1.The District Collector,
Theni,
Theni District.
 - 2.The Block Development Officer,
O/o. the Block Development Office,
Panchayat Union Office,
Theni,
Theni District.
 - 3.The President,
Village Panchayat Office,
Koduvilarpatti Post,
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-28222[F] dated 06/09/2021)

+1 CC to M/s.GP (SR-28204,SR-27641[F] dated 06/09/2021)

W.P (MD) No.15236 of 2021
03.09.2021

RD(13.09.2021) 3P 6C