



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16589 of 2021

R.Ajay Kumar

...Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director,
Department of Geology and Mining,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and give the permission for removing the building waste from the petitioner's Survey No.307/92, Plot No.889, Bharathi Nagar, Pattinamkathan Village Panchayat, Ramanathapuram District, based on the petitioner's representation, dated 24.08.2021, within the period stipulated by this Court.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.D.Ghandiraj
Government Advocate

O R D E R

Prayer sought for herein is for a Writ of Mandamus, directing the respondents to consider and give the permission for removing the building waste from the petitioner's Survey No.307/92, Plot No.889, Bharathi Nagar, Pattinamkathan Village Panchayat, Ramanathapuram District, based on the petitioner's representation, dated 24.08.2021, within the period stipulated by this Court.

2.The petitioner is having a house property at Survey No.307/92, Plot No.889, Bharathi Nagar, Pattinamkathan Village Panchayat, Ramanathapuram District. The said building is a very old building and 46 years old and it is in dilapidated condition, and



therefore, in order to demolish the said building, and to construct a new dwelling house for the petitioner, he already obtained approval from the concerned village panchayat on 16.08.2021.

3. Therefore, the demolished debris have to be evacuated from the house site and dumped the same at another property belongs to the petitioner in the same village at Survey Nos.380/2B1B, 453/5 and 407/87.

4. In order to get such a permission, the petitioner made a representation, on 24.08.2021 to the second and third respondents, and also similar representations had been given by the petitioner on 08.09.2021 to the first respondent/District Collector. Since, none of these representations given by the petitioner to the respondents have yielded any desired results, the petitioner has approached this Court by filing this present writ petition.

5. Heard, Mr.H.Velavadas, learned counsel appearing for the petitioner, who, having reiterated the aforesaid facts, would seek indulgence of this Court to issue suitable direction to the respondents to consider the request of the petitioner and to pass orders thereon, on merits, within a time frame.

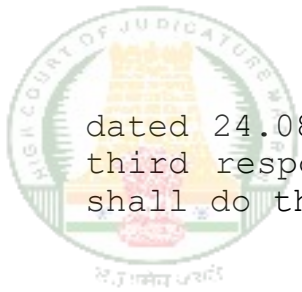
6. Heard, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, who would submit that, if at all, any such permission to evacuate the debris from the petitioner's land, is to be given, that is to be considered only by the third respondent/Tahsildar, therefore, the representation given, in this regard, by the petitioner, would be considered by the third respondent, on merits, within a time frame that may be stipulated by this Court, he contended.

7. I have considered the rival submissions of the learned counsel appearing for both parties, and in view of the said stand taken by the learned Government Advocate, having referred to the aforesaid factual matrix of this case, this Court is inclined to dispose of this writ petition with the following Order:

"that there shall be a direction to the third respondent, to consider the representation of the petitioner, dated 24.08.2021 and pass orders thereon, on merits and in accordance with law, as per the relevant Rules in this regard, within a period of four(4) weeks, from the date of receipt of a copy of this order and communicate the same to the petitioner forthwith."

8. With these directions, this writ petition is disposed of. However, there shall be no order as to costs.

9. It is made clear that one more copy of the representation, <https://hcservices.courts.gov.in/hcservices>



dated 24.08.2021, shall be annexed with a copy of this order to the third respondent, and on receipt of the same, the third respondent shall do the needful as indicated above.

Sd/-

Assistant Registrar (CRL)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director,
Department of Geology and Mining,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL. GP (SR-29320[F] dated 16/09/2021)

W.P. (MD) No.16589 of 2021
15.09.2021

NSN(CO)
KB(27.10.2021) 3P 5C