



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.5156 of 2022
and
W.M.P.No.5258 of 2022

R.Mohana

.. Petitioner

Vs.

- 1.Assistant Director,
Rural Development & Panchayat Raj Department,
Salem.
- 2.The President,
Nadupatti Panchayat Office,
Kadayampatti Taluk,
Salem - 636 351.

3.Ramakrishnan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to pass appropriate orders to stop the construction work at punjai land measuring A. 2.16 cents out of the larger extent of land measuring A. 3.55 cents having S.No.105/2A4 New S.No.105/2A4A, S.No.105/2A3 at Elathur Village, Kadayampatti Taluk, Omalur Sub-Registrar Office, Salem District pending enquiry in the representation of the Petitioner dated 07.09.2021 and conduct the enquiry and pass orders in accordance with law within a time frame.

For Petitioner :Mr.K.Anbuselvan

For R1 :Mr.C.Sathish
Government Advocate

For R2 :Mr.S.Ravikumar
Special Government Pleader



O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the 1st respondent to pass appropriate orders to stop the construction work at punjai land measuring A. 2.16 cents out of the larger extent of land measuring A. 3.55 cents having S.No.105/2A4 New S.No.105/2A4A, S.No.105/2A3 at Elathur Village, Kadayampatti Taluk, Omalur Sub-Registrar Office, Salem District pending enquiry in the representation of the petitioner dated 07.09.2021 and conduct the enquiry and pass orders in accordance with law within a time frame.

2.By consent of learned counsel appearing for the petitioner, Mr.C.Sathish, learned Government Advocate who takes notice for 1st respondent and Mr.S.Ravikumar, learned Special Government Pleader who takes notice for the 2nd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1st respondent and the learned Special Government Pleader appearing for the 2nd respondent and perused the entire materials on record.

4.According to petitioner, the property in question originally belonged to ancestor of her husband K.Rajaram and her husband is in possession of the land and cultivating the same. Her husband also constructed a temple Arulmighu Venkatachalapathi Temple in the land in question in the year 1988 and renovated the temple in the year 2003. While so, the 3rd respondent interfered with performance of temple festival and the petitioner's husband filed Writ Petition in W.P.No.25960 of 2016 for a direction to the respondents therein to give Police protection for conducting the temple festival. This Court by the order dated 27.07.2016, disposed of the said Writ Petition with a direction to the husband of the petitioner to approach the Inspector of Police, Deevatti Patti Police Station, Deevatti Patti, Salem District and lodge a fresh complaint. This Court also directed the Inspector of Police, Deevatti Patti Police Station, Deevatti Patti, Salem District to conduct enquiry on the complaint of all the parties including the adverse parties, if any and to pass orders in accordance with law. Further, due to disputes, various Civil Suits are filed including suit for partition and the same are pending. While so, the 3rd respondent suppressing the pendency of the suit had obtained planning permission from the 2nd respondent for putting up residential house in the undivided land. In such circumstances, the petitioner has given a representation dated 07.09.2021 to the respondents 1 & 2 to cancel the planning



permission given to the 3rd respondent.

5.The 1st respondent, on receipt of representation of the petitioner dated 07.09.2021, vide proceedings in Na.Ka.No.4457/2021/A7 dated 14.09.2021, directed the Block Development Officer, Kadayampatti Taluk, Salem District to conduct field inspection and file a report with regard to the representation of the petitioner. After that, no further action is taken by the respondents. Hence, the petitioner has come out with the present Writ Petition.

6.Considering the above materials, it is suffice to direct the 1st respondent to consider the representation of the petitioner dated 07.09.2021 on merits taking into account the proceedings in Na.Ka.No.4457/2021/A7 dated 14.09.2021 and pass orders in accordance with law after giving opportunity to the petitioner and others, if any, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.Assistant Director,
Rural Development & Panchayat Raj Department,
Salem.

2.The President,
Nadupatti Panchayat Office,
Kadayampatti Taluk,
Salem - 636 351.

+1cc to Mr.K.Anbuselvan, Advocate SR.No.15288
+1cc to the Government Pleader, SR.No.15872, 15885

W.P.No.5156 of 2022

SKM(CO)
CB(04/04/2022)