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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.7537 of 2022 and
WMP.No.7538 of 2022

V.Sengodan

.... Petitioner

Vs.

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal,
Namakkal District.
- 3.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 4.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.
- 5.The District Supply Officer,
Civil Supplies Department,
Collectorate, Namakkal,
Namakkal District.
- 6.Karunchamy @ N.R.Ramasamy,
Councillor of Ward No.4,
Velur Town Panchayat,
(Selection Grade),
Nalliyampalayam Pudur, P.Velur Post,
Namakkal District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, forbearing the respondents from constructing a ration shop and direct them to remove the temporary structure erected in the Panchayat road in SF.No.75/2 which affects ingress and egress to the petitioner's property in SF.No.50/1B, Punjai Edayar Melmugham



Village, Paramathi Velur Taluk, Namakkal District by considering his representation dated 15.03.2022.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.TNC.Kaushik (for R1 to R5)
Additional Government Pleader

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O R D E R

Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R1 to R5 and is armed with adequate instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsel, this Writ Petition is disposed finally even at the stage of admission.

2. In light of the order that is proposed to be passed upon hearing Mr.Manokaran, learned counsel for the petitioner and Mr.Kaushik, learned Additional Government Pleader for R1 to R5, no notice is thought necessary at this juncture to R6.

3.The petitioner claims to be the owner of the vacant site at Survey No.50/1B, Punjai Edayar Melmugam Village, Paramathi Velur Taluk, Namakkal District. He is aggrieved by the action of R6, he would state, who is proceeding to enable the construction of a ration shop on the Panchayat road in SF.No.75/2. The location of the proposed shop is adjacent to his property and would obstruct his right of ingress and egress to the same, he would state.

4.Though some attempts are made to explain the locational hazards and the difficulties posed by reason of the proposed construction, a decision in this regard would involve the ascertainment of various facts and is thus best left to the authorities. Hence and since the petitioner has also made a representation involving the same prayer as raised before me in this writ petition, it would suffice to issue a direction to the Tahsildar, arrayed as R4, to dispose the representation dated 15.03.2022 taking assistance of the other official respondents, if thought necessary.

5. This Court is conscious of the fact that the representation is itself dated 15.03.2022 and is very proximate to the date of this writ petition. Normally, this Court would have dismissed the writ petition as premature. However, the apprehension expressed is that if the construction proceeds as proposed, photographs of which are placed in the compilation of documents, then the attempt of the petitioner to obtain protection will become infructuous. Hence, the direction as aforesaid. Let the exercise of disposing the representation of



the petitioner dated 15.03.2022 be completed within a period of two (2) weeks from today after hearing the petitioner.

6.This writ petition stands disposed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs/ska

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal,
Namakkal District.
- 3.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 4.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.
- 5.The District Supply Officer,
Civil Supplies Department,
Collectorate, Namakkal,
Namakkal District.

+1 cc to Mr.N.Manokaran, Advocate Sr.NO. 21183

+1 cc to Government Pleader Sr.NO. 21754

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PL(CO)

A.SK(12/04/2022)