



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15166 of 2022

and

WMP No.14346 of 2022

Kondamuri Kusuma Nagendra Prasad

... Petitioner

Versus

1. The District Collector,
Office of the Collectorate,
Vazhudavoor Road,
Puducherry - 605009.
2. The Deputy Collector (Revenue)
Office of the Deputy Collector
Sub Taluk Office, Yanam.
3. The Chief Engineer.
The Public Works Department,
34, Lal Bahadur Sastry Street,
Puducherry -605001.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Yanam - 533464.

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 04.05.2002 and initiate appropriate criminal proceedings against all erring officials before the fourth respondent after making due enquiry with regard to the irregularities involved in issuing the order dated 28.01.2022 on the file of the 2nd respondent.

For Petitioner : Ms.K.Abirame
for Mr.V.Raghavachari

For Respondent : Mr.G.Djearany
Government Advocate (Pondicherry)



ORDER

This writ petition has been filed for a Mandamus seeking a direction to the first respondent to consider the representation of the petitioner dated 04.05.2022 and initiate appropriate criminal proceedings against all erring officials before the fourth respondent after making due inquiry with regard to the irregularities involved in issuing the order dated 28.01.2022 on the file of the second respondent.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner in this writ petition is that mud filling permit has been granted to Mr.MVVSS Raju for the land in Survey No.T.S.No.D/2/3/4 R.S.No.20/4, Fracethippa,, Yanam which is illegal. According to the petitioner, the aforesaid land has to be utilised only for agricultural purposes. However, mud filling permit has been issued by the second respondent on 28.01.2022 in favour of Mr.MVVSS Raju, the owner of the aforesaid land. According to the petitioner, stop work notice has already been issued on Mr.MVVSS Raju on 22.02.2022. According to the petitioner, the second respondent has illegally issued mud filling permission to the owner on 28.01.2022. The petitioner has given a representation on 04.05.2022 to the respondents calling upon them to take action against the erring officials who have granted mud filling permission for the said lands in favour of its owner. Since his representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Ms.K.Abhirame, learned counsel for the petitioner and Mr.G.Djearany, learned Government Advocate accepts notice on behalf of the respondents.

5. The learned Government Advocate appearing on behalf of the respondents, on instructions, would submit that the respondents have already acted upon the representation of the petitioner dated 04.05.2022 and they have sought for a fact finding report from the second respondent with regard to the allegation made by the petitioner.

6. The said submission is recorded. No prejudice would be caused to the respondents if final orders are passed on the petitioner's representation dated 04.05.2022 requesting the respondents to initiate appropriate criminal proceedings against all the erring officials before the fourth respondent, after making due enquiry with regard to the irregularities involved in the order dated 28.01.2022 issued by the second respondent, within a time frame to be fixed by this Court after affording a



fair hearing to the petitioner and the second respondent and other officials involved in passing of the order dated 28.01.2022.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 04.05.2022 requesting the respondents to initiate appropriate criminal proceedings against the all the erring officials before the fourth respondent with regard to the alleged irregularities involved in issuing of the order dated 28.01.2022 by the second respondent within a period of three months from the date of receipt of a copy of this order after affording a fair hearing to the petitioner, the second respondent and other officials, who, according to the petitioner, have committed irregularities.

8. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sr

To

1. The District Collector,
Office of the Collectorate,
Vazhudavoor Road, Puducherry - 605009.
2. The Deputy Collector (Revenue)
Office of the Deputy Collector
Sub Taluk Office, Yanam.
3. The Chief Engineer.
The Public Works Department,
34, Lal Bahadur Sastry Street,
Puducherry -605001.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Yanam - 533464.

+1cc to the Government Pleader, S.R.No.36836

W.P.No.15166 of 2022

PA(CO)

UMA(01/07/2022)