



W.P.No.17234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.17234 of 2022

and

W.M.P.No.16527 of 2022

R.Jayarathina Gandhi

... Petitioner

Vs.

1. The Principal Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai – 600 009.

2. The Collector,
Namakkal District,
1st Floor, Main Building,
District Collectorate,
Tiruchengode Road,
Namakkal – 637 003.

3. The Commissioner,
Namakkal Municipality,
ThanthaiPeriyarMaligai,
Paramathi Road,
Namakkal – 637 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the third respondent to consider and dispose of the petitioner's representation dated 23.06.2022 by observing the principles of natural justice within a time frame to be fixed by this Hon'ble Court and until such time to forbear the third respondent from putting up any construction on the Petitioner's land situated at S.No.11/1 at Periapatti Village, Namakkal District admeasuring an extent of 2632 Sq.Ft. In Patta No.1456.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.M.S.Prem Kumar
Government Advocate

ORDER

The petitioner has approached this Court apprehending that the third respondent is proposing to put up a public toilet in the land which was owned by the petitioner's family and the petitioner's siblings executed a Release Deed dated 30.06.2004 registered Document No.1557 of 2004 on favour of the petitioner.

2. It is submitted that pursuant to the aforesaid Release Deed, patta has also been granted to the petitioner. It is further submitted that the petitioner is



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in possession of the property without any interruption right from the year 2004. Despite the same, the third respondent has proposed to put up a public toilet by encroaching on the land which belongs to the petitioner.

3. Under these circumstances, the petitioner has filed this writ petition for a Mandamus to direct the third respondent to consider and dispose of the petitioner's representation dated 23.06.2022 by observing the principles of natural justice within a time frame to be fixed by this Hon'ble Court and until such time to forbear the third respondent from putting up any construction on the Petitioner's land situated at S.No.11/1 at Periapatti Village, Namakkal District admeasuring an extent of 2632 Sq.Ft. In Patta No.1456.

4. Mr.M.S.Prem Kumar, learned Government Advocate takes notice on behalf of the first and second respondents.

5. This writ petition is disposed of at the time of admission by dispensing with the notice on the third respondent by directing the third respondent to consider the representation of the petitioner dated 23.06.2022 and pass appropriate orders in accordance with law within a period of seven



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days from the date of receipt of a copy of this order. Pending disposal of the petitioner's representation dated 23.06.2022, the third respondent is directed to maintain the *status quo* as on date.

6. The writ petition stands disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed. Liberty is also given to the petitioner to work out his remedy before the Civil Court, if advised.

05.07.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order

rgm



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WEB COPY

To

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C.SARAVANAN, J.

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