



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2473 of 2022

Angayee

... Petitioner

Vs.

1.The District Collector,
Office of the District Collectorate,
Cantonment, Tiruchirapalli District.

2.The Revenue Divisional Officer,
Trichirappalli District, Trichirappalli.

3.The Tahsildar,
Musiri Taluk, Trichirappalli District.

4.C.N.Kamalanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take action against the fourth respondent pursuant to the representation of the petitioner dated 22.12.2021 and to the subsequent proceedings of the first respondent dated 30.12.2021.

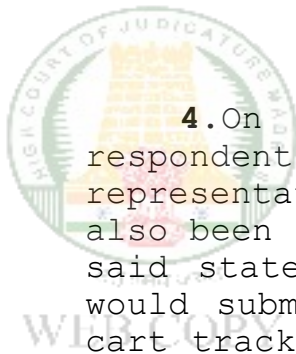
For Petitioner	: Mr.V.Illanchezian
For Respondents 1 to 3	: Mrs.S.Jeyapriya Government Advocate
For Respondent No.4	: Mr.G.Palanivel Muthu

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to take action against the fourth respondent on the petitioner's representation dated 22.12.2021.

2.The case of the petitioner is that the fourth respondent who is the Panchayat President is laying a road in the petitioner's property by damaging the crops belonging to the petitioner. In such circumstances, the petitioner has given the aforementioned representation dated 22.12.2021. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.V.Illanchezian, learned counsel appearing for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of respondents 1 to 3 and Mr.G.Palanivel Muthu, learned Counsel who accepts notice on behalf of the fourth respondent.



4.On instructions, learned Government Advocate appearing for respondents 1 to 3 would submit that enquiry on the petitioner's representation dated 22.12.2021 has already commenced and notice has also been issued to the petitioner for the enquiry proceedings. The said statement is recorded. Further, learned Government Advocate would submit that as per the classification the subject land is a cart track. Therefore, according to the respondents 1 to 3, road is proposed to be laid only in the cart track and there is no violation as alleged by the petitioner.

5.However, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the fourth respondent.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 22.12.2021 requesting the respondents 1 to 3 to take action against the fourth respondent for the laying of road in the petitioner's patta land by damaging the crops and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order. While holding enquiry, it is made clear that the first respondent shall afford an opportunity of personal hearing to the petitioner and the petitioner shall also place sufficient documentary evidence in support of his case before the enquiry proceedings.

7.With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

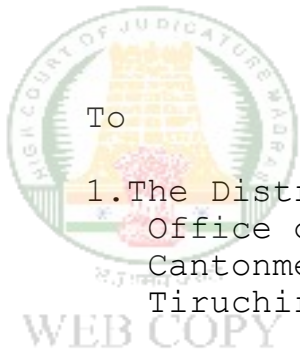
Assistant Registrar (CRL)

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/ /2022

Sub Assistant Registrar(CS)

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,
Office of the District Collectorate,
Cantonment,
Tiruchirappalli District.

2.The Revenue Divisional Officer,
Trichirappalli District,
Trichirappalli.

3.The Tahsildar,
Musiri Taluk,
Trichirappalli District.

+1 CC to M/s.G.PALANIVEL MURUGAN, Advocate (SR-6394[F] dated
16/02/2022)

+1 CC to M/s.SPL GP (SR-6790[F] dated 17/02/2022)

ORDER MADE IN
W.P. [MD]No.2473 of 2022
15.02.2022

_RS(26.02.2022) 3P 6C