



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.2854 of 2022

WEB COPY

P.Murugesan

... Petitioner

vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Block Development Officer,
Kuranthancode Panchayat Union (East Panchayat),
Kurunthancode Post, Kanyakumari District.

3.Gnana Bensigar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to dispose of the representation of the petitioner, dated 19.01.2022 according to law and merits expeditiously.

For Petitioner :Mr.C.Godwin

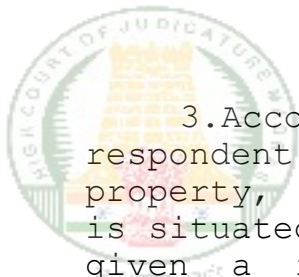
For R1 :Mr.T.Amjad Khan
Government Advocate

For R2 :Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation, dated 19.01.2022 requesting him to take action against the third respondent for attempting to put up a saw mill in the property in S.Nos.106/9, 107/21, 106/8B and 106/11A, Kurunthancode A Village, Kanyakumari District and pass orders within a time frame to be fixed by this Court.

2.Heard Mr.C.Godwin, learned Counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



3. According to the petitioner, he is a neighbour to the third respondent and if the saw mill is put up in the aforementioned property, it will cause nuisance to him, as the petitioner's house is situated close to the aforementioned property. Therefore, he has given a representation on 19.01.2022 to the first respondent requesting him to take action against the third respondent due to the aforementioned reasons. Since, the said representation has not been considered, he has filed this Writ Petition.

4. No prejudice would be caused to any of the respondents, if the petitioner's representation, dated 19.01.2022 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the third respondent against whom the representation has been made.

5. Therefore, this Court directs the first respondent to consider the petitioner's representation, dated 19.01.2022 seeking for action against the third respondent for the alleged attempt being made by the third respondent to put up a saw mill in S.Nos.106/9, 107/21, 106/8B and 106/11A, Kurunthancode A Village, Kanyakumari District and thereby, causing nuisance to the petitioner and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as to the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

cmr

To

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The Block Development Officer,
Kurunthancode Panchayat Union (East Panchayat),
Kurunthancode Post, Kanyakumari District.

+1 CC to M/s.C.GODWIN, Advocate (SR-5810[F] dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-5964[F] dated 14/02/2022)

W.P.(MD)No.2854 of 2022

11.02.2022

RK(25/02/2022) 2P 5C

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