



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4374 of 2022

WEB COPY

K.Bindhu

... Petitioner

/Vs./

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The President of Village Panchayat,
Choozhal Village Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to demolish and remove waiting shed which is in dilapidated condition intruded in the petitioner's property bearing Resurvey No.38/1A of Choozhal Village, Killiyur Taluk, Kanyakumari District within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.T.Ajmal Khan
Government Advocate for R1

: Mr.D.Sadiq Raja
Additional Government Pleader for R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to demolish and remove the waiting shed, which is in dilapidated condition, which according to the petitioner, intruded in the petitioner's property bearing Resurvey No.38/1A of Choozhal Village, Killiyur Taluk, Kanyakumari District, based on the petitioner's representation dated 22.11.2021, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that the aforementioned waiting shed is adjoining the petitioner's property and it is in dilapidated condition and it may fall at any time causing hindrance to the petitioner and other persons. In such circumstances, the petitioner has given a representation on 22.11.2021 to the



respondents requesting them to demolish the waiting shed. Since the said representation has not been considered till date, she has filed this writ petition.

3. Heard Mr.S.Sivakumar , learned Counsel for the writ petitioner, Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the second respondent.

4.No prejudice would be caused to the respondents, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

5.The petitioner claims that the waiting shed belonging to the second respondent is in dilapidated condition and also intruded into the petitioner's property. The petitioner has also produced photographs of the dilapidated waiting shed.

6.The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is also willing to bear the cost of demolition. The same is recorded.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 22.11.2021 requesting the second respondent to demolish the waiting shed, which according to the petitioner, is in a dilapidated condition and also intruded into the petitioner's property at Resurvey No.38/1A of Choozhal Village, Killiyur Taluk, Kanyakumari District and pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

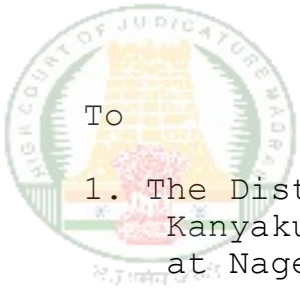
Assistant Registrar (Crl side)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The President of Village Panchayat,
Choozhal Village Panchayat,
Kanyakumari District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-11592[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11873[F] dated 14/03/2022)

W.P. [MD]No.4374 of 2022

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RD(28.03.2022) 3P 5C