



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4909 of 2022

Shahul Hameed

... Petitioner

/Vs./

1.The District Collector,
O/o. The District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thiruvadanai,
Ramanathapuram District.

3.The Thasildhar,
O/o. The Thasildhar,
Thiruvadanai,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus by directing the Respondent No.1, to grant permission to put up the road for Bismi aquatic Products Industry to the extent about nearly 36 cents located at Kodipangu Survey No.19, Oda Vayal Survey No.7/1,8,9 Thiruvadanai Taluk, Ramanathapuram District, as per the recommendation letter issued by the second respondent and third respondent in Letter No.Na.Ka.No.A3/5/2020 dated 18.10.2021 by considering the petitioner's representation sent to the Respondent No.1 dated 28.02.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to grant permission to lay a road for the petitioner's industry, by name, Bismi aquatic Products Industry to the extent about nearly 36 cents located at Kodipangu Survey No.19, Oda Vayal Survey No.7/1,8,9 Thiruvadanai Taluk, Ramanathapuram District, as per the recommendation letter issued by the second respondent to the first respondent in Letter No.Na.Ka.No.A3/5/2020 dated 18.10.2021 by considering the petitioner's representation dated 28.02.2022, within a time frame to be fixed by this Court.



2.The case of the petitioner is that he is having an industry, by name, Bismi aquatic Products Industry, nearby the aforementioned location. The petitioner has stated that a road has to be laid for proper access to reach his factory. In such circumstances, he has given a representation seeking permission to lay road covering to the extent of 36 cents. According to the petitioner, the second respondent has already recommended the case of the petitioner by his proceedings in Letter No.Na.Ka.No.A3/5/2020 dated 18.10.2021. However, according to the petitioner, since the recommendation of the second respondent has not been implemented till date, the petitioner has filed this writ petition.

3.Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.The learned Special Government Pleader appearing for the respondents would submit that even though the recommendation has been made, the implementation of the recommendation will take considerable amount of time, as the road to be laid falls in a forest area. The said statement is recorded.

5.However, this Court is of the considered view that no prejudice would be caused to the respondents, if the representation of the petitioner seeking for implementation of the proceedings of the second respondent recommending the case of the petitioner dated 18.10.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

6.The feasibility of the proceedings issued by the second respondent dated 18.10.2021 recommending the petitioner's case for laying a road for proper access to his factory can be considered on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing. Since the time limit cannot be ascertained as of now, the representation of the petitioner will have to be disposed of as expeditiously as possible by the first respondent.

7.Accordingly, this Court directs the first respondent to consider the implementation of the proceedings of the second respondent dated 18.10.2021 issued in Letter No.Na.Ka.No.A3/5/2020 on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing as expeditiously as possible.

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



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W.P.[MD]No.4909 of 2022

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

- 1.The District Collector,
O/o. The District Collector,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thiruvadanai,
Ramanathapuram District.
- 3.The Thasildhar,
O/o. The Thasildhar,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-13479[F] dated 22/03/2022)

order made in

W.P. [MD]No.4909 of 2022

Dated:

21.03.2022

SVS (CO)

KP(04.04.2022) 3P 5C