



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.8395 of 2022

WEB COPY

Ms.Krishnaveni

.. Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The Sub Collector,
Vilavancode Taluk,
Padmanabhapuram,
Kanniyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Padmanabhapuram,
Kanniyakumari District.

4.The Municipality President,
Palugal Municipality Office,
Palugal,
Kanniyakumari District.

(the name of the fourth respondent is read as The Executive Officer, Palugal Town Panchayat, Palugal, Kanniyakumari District Vide order dated 27/04/2022)

5.The Municipality Secretary,
Palugal Municipality Office,
Palugal,
Kanniyakumari District.

6.Abhilash

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st to 5th respondents to grant permission for the reconstruction of the collapsed compound wall situated at survey No. 117/1A, Palugal Municipality, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.B.Saravanan,
Additional Government Pleader.



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 5th respondent to grant permission for the reconstruction of the collapsed compound wall situated at survey No. 117/1A, Palugal Municipality, Vilavancode Taluk, Kanyakumari District, based on the petitioner's representation, dated 17.04.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, her compound wall got collapsed due to heavy rain and in such circumstances she has given a representation on 17.04.2022 to the fourth respondent, seeking permission for reconstruction of the collapsed compound wall. Since the representation has not been considered till date, she has filed this writ petition.

3. Heard Mr.B.Micheal Sebastin, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. At the outset, the learned Additional Government Pleader, would submit that the name of the fourth respondent, who is the competent authority has been wrongly mentioned in the cause title. He would submit that the name of the fourth respondent should read as the Executive Officer, Palugal Town Panchayat, Palugal, in the place of The Municipality President, Palugal Municipality Office, Palugal. The said statement is recorded. The 6th respondent is the neighbour of the petitioner.

5. No prejudice will be caused to the respondents, if the petitioner's representation, seeking for reconstruction of compound wall is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the 6th respondent and any other necessary party, whom the fourth respondent deems fit to enquire.

6. For the foregoing reasons, this Court directs the 4th respondent *namely The Executive Officer, Palugal Town Panchayat, Palugal, Kannyakumari District*, to pass final orders on the petitioner's representation, dated 17.04.2022, seeking permission to reconstruct the collapsed compound wall at survey No. 117/1A, Palugal Municipality, Vilavancode Taluk, Kanyakumari District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the 6th respondent and any other necessary parties, whom the fourth respondent deems fit to enquire, including granting them the right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TM

To:

1. The District Collector,
Nagercoil,
Kanniyakumari District.

2. The Sub Collector,
Vilavancode Taluk,
Padmanabhapuram,
Kanniyakumari District.

3. The Tahsildar,
Vilavancode Taluk,
Padmanabhapuram,
Kanniyakumari District.

4. The Executive Officer,
Palugal Town Panchayat,
Palugal,
Kanniyakumari District.

5. The Municipality Secretary,
Palugal Municipality Office,
Palugal,
Kanniyakumari District.

+1 CC to M/s.SPL.GP. (SR-22090[F] dated 28/04/2022)

+1 CC to M/s.B. MICHEAL SEBASTIN, Advocate (SR-22594[F] dated 29/04/2022)

W.P. (MD)No.8395 of 2022

27.04.2022

RD(23.05.2022) 3P 8C