



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.12734 of 2021

and

W.M.P. [MD]No.9922 of 2021

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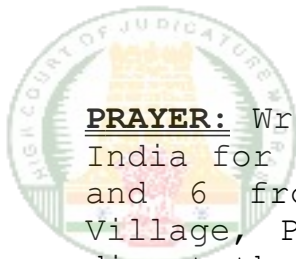
1.K.Seralathan
2.S.Suresh Kumar

... Petitioners

Vs.

- 1.The District Collector,
Collectorate Campus,
Tanjore,
Tanjore District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tanjore,
Tanjore District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tanjore,
Tanjore District.
- 4.The Executive Officer,
Arulmigu Vanmiganatha Swamy Temple,
Keezhakovilpathu Village,
Pappanasam Taluk,
Tanjore,
Tanjore District.
- 5.The Block Development Officer,
Block Development Office,
Ammapettai,
Pappanasam Taluk,
Tanjore,
Tanjore District.
- 6.The President,
Ammapettai Panchayat,
Keezhakovilpathu Village,
Pappanasam Taluk,
Tanjore,
Tanjore District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 5 and 6 from laying a road in S.No.311/1A2 at Keezhakovilpathu Village, Pappanasam Taluk, Tanjore District and consequentially to direct the respondents 3 to 5 to remove the obstruction made by the respondents 5 and 6 in the light of proceedings issued by the second respondent in his proceedings in Na.Ka.No.7919/2020/A3 dated 07.09.2020 and proceedings issued by the Assistant Commissioner, HR & CE Department, Kumbakonam dated 04.02.2021 and by considering the petitioner's representation dated 03.07.2021 within a period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.P.Subbaraj
Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to forbear the respondents 5 and 6 from laying a road in S.No.311/1A2 at Keezhakovilpathu Village, Pappanasam Taluk, Tanjore District and consequentially to direct the respondents 3 to 5 to remove the obstruction made by the respondents 5 and 6 in the light of proceedings issued by the second respondent in his proceedings in Na.Ka.No.7919/2020/A3 dated 07.09.2020 and proceedings issued by the Assistant Commissioner, HR & CE Department, Kumbakonam dated 04.02.2021 and by considering the petitioner's representation dated 03.07.2021 within a time frame to be fixed by this Court.

2.The petitioner claims that he is a lessee in respect of the aforementioned property under the fourth respondent temple. According to him, illegally the fifth and sixth respondents are attempting to lay a road in his property and he has given a representation on 03.07.2021 to the first and second respondents, calling upon them to take action against the fifth and sixth respondents and forbear them from laying a road. Since the said representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.C.Venkatesh Kumar for M/s.Ajmal Associates, learned Counsel appearing for the writ petitioner and Mr.P.Subbaraj, learned Special Government Pleader who accepts notice on behalf of the respondents.

4.No prejudice would be caused to any of the respondents if the petitioner's representation is considered on merits and in accordance with law after affording an opportunity of fair hearing to the petitioner as well as the fifth and sixth respondents who are attempting to lay the road.



5. For the foregoing reasons, this Court directs the first and second respondents to consider the representation of the petitioner dated 03.07.2021 requesting the first and second respondents to forbear the fifth and sixth respondents from laying the road in survey No.311/1A2 at Keezhakovilpathu Village, Pappanasam Taluk, Tanjore District and pass final orders on merits and in accordance with law within a period of eight [8] weeks from the date of receipt of a copy of this order after affording a fair opportunity of hearing to the petitioner as well as the respondents 5 and 6.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

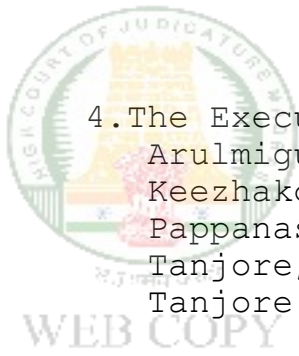
Sub Assistant Registrar(CS)

MR

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,
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Tanjore District.
2. The Joint Commissioner,
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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tanjore,
Tanjore District.



4.The Executive Officer,
Arulmigu Vanmiganatha Swamy Temple,
Keezhakovilpathu Village,
Pappanasam Taluk,
Tanjore,
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5.The Block Development Officer,
Block Development Office,
Ammapettai,
Pappanasam Taluk,
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Tanjore District.

6.The President,
Ammapettai Panchayat,
Keezhakovilpathu Village,
Pappanasam Taluk,
Tanjore,
Tanjore District.

+1 CC to M/s.SPL GP (SR-6834[F] dated 17/02/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6675[F] dated
17/02/2022)

W.P. [MD]No.12734 of 2021

16.02.2022

RK(09/03/2022) 4P 9C