



W.P.(MD) No.21898 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.21898 of 2022

V.Muthukutti

... Petitioner

-VS-

1.The District Collector
Thoothukudi District

2.The Corporation Commissioner
Thoothukudi Corporation, Thoothukudi

3.M.Shakila Banu @ Ayisha Siddiq

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to take necessary action on the basis of the representation of the petitioner on 05.05.2021.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1
Mr.V.Selva
Standing Counsel for R2



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the first respondent and Mr.V.Selva, learned Standing Counsel, takes notice for the second respondent.

2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to the private respondent is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 and 2 to take necessary action based on the petitioner's representation, dated 05.05.2021.

5. According to the petitioner, the third respondent, without having right or title, took control of the land comprised in T.S.No.3739, Ward



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No.4, Block No.26, Tooveypuram 5th Street, Tuticorin, measuring an extent of 10.266 Cents, which is a Government Poramboke land, and on 12.08.2015, settled the said property in favour of her husband Aliyar, who in turn had settled the same to his brothers Meera Sahib and Sahul Hameed under a settlement deed dated 17.08.2015 and thereafter, Meera Sahib and Sahul Hameed settled the said property to their brother Fadar Kasim under a settlement deed dated 21.01.2021 and as on date, Fadar Kasim is in possession of the said Government Poramboke land by constructing a building thereon, without obtaining any permission or approval from the Authority concerned.

6. It is the case of the petitioner that though he made several representations to the respondents 1 and 2, the last one of which was made on 05.05.2021, till date no action has been taken based on his representation. Hence, the petitioner has filed the present writ petition.

7. The learned Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent have no objection in directing the respondents 1 and 2 to take necessary action based on the representation submitted by the petitioner.



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8. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 and 2 are directed to consider the petitioner's representation dated 05.05.2021 and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondents 1 and 2, who should pass orders depending upon the facts and circumstances of the case.

9. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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To:

The District Collector,
Thoothukudi District.



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