



WEB COPY



W.P.(MD)No.25030 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W. P. (MD) No.25030 of 2022

A.Edward Raj

... Petitioner

Versus

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

3.Chelladurai

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 20.08.2022 sent by the petitioner and pass suitable orders to remove the Brick Kiln unlawfully constructed by the third respondent in Survey No.243/17 at Nelkattumseval Village, Sivagiri Taluk, Tenkasi District within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.K.Sankar
For Respondents	:	Mr.A.Kannan (For R1 & R2) Additional Government Pleader

ORDER

This petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, to direct the official respondents to consider the representation dated 20.08.2022 sent by the petitioner and pass suitable orders



to remove the Brick Kiln unlawfully constructed by the third respondent in Survey No.243/17 at Nelkattumseval Village, Sivagiri Taluk, Tenkasi District within the time limit that may be stipulated by this Court.

2.By consent of both sides, this petition is taken up for final hearing at the admission stage itself. Since no adverse order is going to be passed against the third respondent, notice to him is dispensed with.

3.The case of the petitioner is that the property in Survey No.243/17 measuring to an extent of 55 cents situated at Nelkattumseval, Sivagiri Taluk, Tenkasi District, belonged to eleven pattadhars and they have been in possession and enjoyment of the said property jointly and no partition has been effected among the pattadhars. While that being so, one Chelladurai, who is the son of the petitioner's brother, namely Seemaraja, erected the brick kiln in the said property, for which, he has not obtained permission from the authority concerned. In this regard, the petitioner has sent a representation on 20.08.2022 to the official respondent, but no steps have been taken. Further, on behalf of the petitioner, his Advocate made an application on 27.09.2022 before the second respondent under Right to Information Act, seeking information with regard to the above said brick kiln installed by the third respondent, but till date there is no reply from the second respondent. Hence,

the petitioner is before this Court with the aforesaid prayer.



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4.The learned counsel appearing for the petitioner submitted that it would suffice to issue a direction to the official respondents to consider the petitioner's representation dated 20.08.2022.

5.The learned Additional Government Pleader appearing for the official respondents has no objection for such an order being passed by this Court.

6.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the official respondent to conduct enquiry on the petitioner's representation dated 20.08.2022 and conclude the same, after issuing notice to the parties concerned, within a period of twenty (20) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

04.11.2022

Index : Yes/No
Internet : Yes/No
Rmk



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To

1.The District Collector,
Tenkasi District, Tenkasi.

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2.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.



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V.BHAVANI SUBBAROYAN, J.

Rmk

Order made in
W.P.(MD) No.25030 of 2022

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