



W.P.(MD)No.25465 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.11.2022

CORAM

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

W.P(MD)No.25465 of 2022

M.Annam

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Dindigul District.

2.The Thasildar,
Aathoor Taluk,
Dindigul District.

3.The Executive Officer,
Ayyampalayam Village Panchayat,
Aathoor Taluk,
Dindigul District.

4.Devipriya

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 13.09.2022 within the time fixed by this Hon'ble Court and to issue necessary direction to the 3rd respondent to cancel the plan approval and remove the unauthorised construction made in the petitioner's property situated at Survey No.1006/737, Ayyampalayam Village, Aathoor Taluk, Dindigul District.



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For Petitioner : Mr.V.Muthukamatchi
For Respondents 1 & 2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For 3rd Respondent : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the 1st respondent to consider the petitioner's representation dated 13.09.2022 within a time frame and to issue necessary direction to the 3rd respondent to cancel the plan approval granted to the 4th respondent and to remove the unauthorised construction made in the petitioner's property situated at Survey No.1006/737, Ayyampalayam Village, Aathoor Taluk, Dindigul District.

2. Heard Mr.V.Muthukamatchi, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the third respondent. By



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consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.

4. Alleging that the 4th respondent is making construction unauthorizedly in the petitioner's property situated at Survey No.1006/737, Ayyampalayam Village, Aathoor Taluk, Dindigul District, the petitioner submitted a representation to the 1st respondent on 13.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, she would be satisfied, if a direction is issued to the second respondent to dispose of her representation dated 13.09.2022, within a time frame.



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6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 13.09.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the 4th respondent and any other parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
10.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

1.The District Collector,
District Collector Office,
Dindigul District.

2.The Thasildar,
Aathoor Taluk,
Dindigul District.



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3.The Executive Officer,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

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