



W.P.(MD)No.26188 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W/.P. (MD) No.26188 of 2022

Kamatchi Sundaram

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Assistant Director,
Mines and Minerals,
Dindigul District.

4.The Revenue Divisional Officer,
Palani Division,
Dindigul District.

5.The Thasildar,
Palani Taluk,
Dindigul District.

6.The Inspector of Police,
Palani Taluk Police Station,
Palani, Dindigul District.

7.Marudathurai

8.Murugan

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 6 to take action on the petitioner's representation dated 07.03.2022.

For Petitioner : Ms.G.Geetha
For R1 to R5 : Mr.D.Shanmugavel
Additional Government Pleader
For R6 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the official respondents to take action on the petitioner's representation dated 07.03.2022.

2.Heard Ms.G.Geetha, learned counsel for the petitioner and Mr.D.Shanmugavel, learned Additional Government Pleader, who takes notice for the respondents 1 to 5 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.Side), who takes notice for the sixth respondent. Considering the nature of the order proposed to be passed in this writ petition, notice to the respondents 7 and 8 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the the petitioner is the owner of the property in S.No.554/1, Thamaraikulam Village, Palani Taluk, Dindigul



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District by way of a registered settlement deed executed by his mother. The private respondents herein is causing hindrance to the petitioner. Hence, the petitioner made a complaint before the respondents. But the same was not acted upon.

4. The learned counsel for the petitioner submitted that the private respondents herein are the adjacent land owners of the petitioner and they are running brick kilns in their land. The private respondents took red soil from the land of the petitioner. Therefore, the petitioner made a complaint /representation against the private respondents herein on 07.03.2022 to the official respondents. Based on the same, the sixth respondent was directed to take action against the private respondents. But no action has been taken. Thereafter, the petitioner submitted a reminder to the fourth respondent to take action on the complaint of the petitioner. Till date, no action has been taken on the petitioner's complaint. Hence, the petitioner has filed the present writ petition.

5.The learned counsel appearing for the petitioner would submit that it would suffice to issue direction to the official respondents to consider the petitioner's representation, dated 07.03.2022.



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6.No prejudice would be caused to the official respondents, if the petitioner's representation dated 07.03.2022 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the private respondents, as well as any other necessary party, whom the official respondents deems fit to enquire.

7.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the official respondents to consider the petitioner's representation dated 07.03.2022 and pass appropriate orders, on merits and in accordance with law, after affording a fair hearing to the petitioner and seventh and eighth respondents, as well as any other necessary party, whom the official respondents deems fit to enquire, within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

21.11.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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