



W.P.(MD) No.27800 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.27800 of 2022

R.Punniyamoorthi

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Human Rights Commission,
No.143, P.S.Kumarasamy Raja Road,
Greenways Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Collector,
Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai.

4.Puviyarasan

5.Ramesh

... Respondents

Page 1 of 6



W.P.(MD) No.27800 of 2022

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to conduct enquiry in respect of the violation of the human rights by the 4th and 5th Respondents made against the petitioner by considering the petitioner's representation dated 12.10.2022.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.F.Deepak, Standing Counsel for R1
Mr.M.Sarangan,
Addl. Govt. Pleader for R2 & R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to conduct enquiry in respect of the violation of the human rights by the 4th and 5th Respondents made against the petitioner by considering the petitioner's representation dated 12.10.2022.

2. Heard Mr.Mr.K.Baalasundharam, learned counsel for the petitioner, Mr.F.Deepak, learned Standing Counsel, who takes notice for the first



W.P.(MD) No.27800 of 2022

WEB COPY

respondent and Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 2 and 3. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 4 and 5 is dispensed with.

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

4. It is the case of the petitioner that the 5th respondent is taking steps to lay a road in the petitioner's patta land. Hence, the petitioner filed writ petitions before this Court in W.P.(MD)No.21136 of 2021 and 9129 of 2022 and this Court, by order dated 13.07.2022, allowed the writ petitions, with an observation that if the respondents want to lay road on the petition mentioned lands, they have to necessarily acquire the same in the manner known to law. However, without following the procedure, the 4th respondent illegally demolished the petitioner's house. Hence, the petitioner made a representation on 12.10.2022, to the first respondent seeking to take appropriate action against the respondents 4



W.P.(MD) No.27800 of 2022

and 5 for their illegal activities. However, till date, the same was not considered by the respondent. Hence, the petitioner has filed this Writ Petition.

5. The learned Standing Counsel appearing for the first respondent submitted that the representation of the petitioner dated 12.10.2022, will be considered and necessary action will be taken in accordance with the statutory Rules.

6. Considering the facts and circumstances of the case, we are of the view that petitioner has already filed writ petitions in W.P.(MD)No.21136 of 2021 and 9129 of 2022 and this Court, by order dated 13.07.2022, allowed the writ petitions with an observation that if the respondents want to lay road on the petition mentioned lands, they have to necessarily acquire the same in the manner known to law. Therefore, if there is any violation of the order passed by this Court, the petitioner has to approach the concerned Court for taking appropriate action against the respondents for their wilful disobedience / non-compliance of the said order and without doing so, the petitioner has filed the



W.P.(MD) No.27800 of 2022

present writ petition. Further, the petitioner has also made a representation before the first respondent, seeking for taking against the respondents 4 and 5 for their illegal activities and the learned counsel appearing for the first respondent also assures that the said representation will be considered in accordance with the statutory Rules. Therefore, at this stage, we are not inclined to entertain this Writ Petition and the same is liable to be dismissed.

7. Accordingly, this writ petition is dismissed. No costs.

[D.K.K., J.] [R.V., J.]

vsm

09.12.2022



WEB COPY



W.P.(MD) No.27800 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

To

- 1.The Chairman,
Tamil Nadu Human Rights Commission,
No.143, P.S.Kumarasamy Raja Road,
Greenways Road,
Raja Annamalaipuram,
Chennai – 600 028.
- 2.The District Collector,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Pudukkottai.

W.P.(MD) No.27800 of 2022

09.12.2022