



W.P. No. 31142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31142 of 2023

P.Selvakumar

... Petitioner

-VS-

1. The District Collector
Namakkal District.
2. The Director of Town Panchayats
Office of Directorate of Town Panchayats
Raja Annamalaipuram
MRC Nagar, Chennai – 28.
3. The Thasildhar
Rasipuram Taluk
Namakkal District.
4. The Executive Officer
Pillanallur Panchayath
Namakkal District.

5. Suresh

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider my representation dated 07.03.2023 and after enquiry with all the farmers in the locality and take appropriate action against the Fourth and Fifth Respondents.



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For Petitioner : Mr. L.Aishwarya Lakshmi
For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to 3)
Mr. V.Ravi (for R4)

ORDER

Heard Mr. L.Aishwarya Lakshmi, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First to Third Respondents, and Mr. V.Ravi, Learned Counsel, who takes notice for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth Respondent, notice to him is dispensed with.

3. It is complained by the Petitioner, who claims to be an agriculturist, that the Fifth Respondent, who has been awarded the contract to manage the weekly market belonging to the Pillanur Panchayat in Namakkal District, is not allowing the Petitioner to enter the market to sell his agricultural products and



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the representation dated 07.03.2023 made to the First and Fourth Respondents by registered post has not evoked any response, which has necessitated him to prosecute this Writ Petition.

4. Learned Counsel appearing for the Fourth Respondent stoutly refutes the factual correctness of the allegations made in the said representation.

5. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the First Respondent shall forthwith send the representation dated 07.03.2023 made by the Petitioner for enquiry to the concerned authority;
- (ii) the concerned authority shall immediately examine that representation including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to all persons concerned including the Petitioner and the Fourth and Fifth Respondents requiring the same to be furnished within a time frame of not less than 10 days for the same;



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- (iv) an enquiry shall be conducted following the prescribed procedure affording full opportunity of personal hearing to all parties concerned including the Petitioner and Fourth and Fifth Respondents to explain their position in consonance with the principles of natural justice;;
- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (vi) the report of such compliance shall be filed by 31.01.2024 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

01.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 12.12.2023.

Maya



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To

1. The District Collector
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MRC Nagar, Chennai – 28.
3. The Thasildhar
Rasipuram Taluk
Namakkal District.
4. The Executive Officer
Pillanallur Panchayath
Namakkal District.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Suresh,
Pillanallur Weekly Market,
Namakkal District.



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P.D. AUDIKESAVALU, J.

Maya

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