



W.P.No.2822 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

W.P.No.2822 of 2021

R.Savitha
W/o Late Ravi

...Petitioner

Vs.

1. The District Collector,
Office of Collectorate,
Tiruppur District,
Tiruppur.

2. The Tahsildar,
Madathukulam taluk,
Madathukulam,
Tiruppur District.

3. K.Chinnappan,
S/o Kandasamy Gounder

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 19.12.2020 within the stipulated time fixed by this Court.



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For Petitioner : Mr.S.Gopalakrishnan
For Respondents : Mr.A.selvendran,
Special Government Pleader
for R1 & R2
Mr.A.Saravanan for R3

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The writ petition has been filed for issuance of Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 19.12.2020 within the stipulated time fixed by this Court.

2. The case of the petitioner is that the landed property admeasuring to an extent of 1 acre (0.04.5 Hectares) in Saingaramanallur South Village comprised in S.No.347/2 was settled in her favour by her husband viz., P.Ravi and she is in possession and enjoyment of property. Her husband was running an Indian Oil Corporation Outlet/Bunk in Pudunagram from the year 2012 in S.No.347/2A in the said village in pursuance to the license and No Objection granted to him and after his demise, the said license was transferred in her name. However, the 3rd respondent filed W.P.No.33686/2017 praying to take steps to remove the entire encroachments in the channel comprised in S.No.347/1 Singaramanallur South Village, Sankaramannallur Village,



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Madathukulam Taluk, Tiruppur District by considering his representation dated 03.10.2017 and this Court passed an order dated 22.12.2017 directing the 2nd respondent to put on notice to the petitioner herein and to consider his representation and intimate the decision taken to the petitioner herein as well as the 3rd respondent herein. However, the 2nd respondent tried to dispossess the petitioner from the land in question. She made representation to the notice sent by the 2nd respondent dated 05.06.2018. This Court vide order dated 02.07.2018 directed the petitioner to submit a detailed representation along with relevant documents within two weeks and the 2nd respondent was directed to consider and dispose of the said representation after putting on notice to the petitioner as well as the 3rd respondent, within eight weeks thereafter. As per the direction of this Court, the petitioner submitted a detailed representation on 06.08.2018 in person but the 2nd respondent has not passed any order so far. However, the 2nd respondent is illegally trying to remove the petitioner's petrol bunk compound wall and toilet which is situated in her patta land, at the influence of the 3rd respondent, without notice to her and without giving an opportunity. Therefore, the petitioner made representation dated 19.12.2020 to the 2nd respondent,



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but the same has not been disposed of so far. Hence, the present writ petition seeking a direction to dispose of the said representation.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the 1st and 2nd respondents, the learned counsel appearing for the 3rd respondent and perused the materials available on record.

4. Considering the limited prayer sought for in this Writ Petition, we are not expressing any view on the rival contentions of the parties. The representation made by the petitioner is still pending with the 2nd respondent and no order has been passed on the same till date. Therefore, without expressing any view on the merits of the claim made by the respective parties, this Writ Petition is disposed of, only by directing the 2nd respondent to pass orders on the petitioner's representation dated 19.12.2020 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The 2nd respondent shall also give an opportunity of personal hearing to the petitioner as well as the 3rd respondent before passing the order. No



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costs.

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(J.N.B,J.) (P.D.B., J.)
22.04.2024

Index : Yes / No
Internet : Yes
vsi

To

1. The District Collector,
Office of Collectorate,
Tiruppur District,
Tiruppur.
2. The Tahsildar,
Madathukulam taluk,
Madathukulam,
Tiruppur District.

J. NISHA BANU, J.
and
P.DHANABAL,J.

vsi



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