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W.P.No.24711 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24711 of 2018

K.Tamilarasan

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Tahsildar,
Dharmapuri,
Dharmapuri District.

3.The Deputy Superintendent of Police,
Dharmapuri,
Dharmapuri District.

4.The Inspector of Police,
Dharmapuri,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 10.02.2018 seeking to remove the name board erected by the fourth respondent on the petitioner's property comprised in S.No.259/1 (New S.No.259/1C), situated a



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For Petitioner : Mr.G.Jeremiah

For Respondents 1 to 4 : Mr.K.Surendran,
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider and pass orders on the petitioner's representation dated 10.02.2018 seeking to remove the name board erected by the fourth respondent on the petitioner's property comprised in S.No.259/1 (New S.No.259/1C), situated a Vellagoundampalayam, Dharmapuri.

2. The case of the petitioner is that the petitioner's father is the owner of the subject matter property, where he built up shops and he has left a passage of 18 feet on North-South, Easter side 36 feet and Northern side 44 feet. In the year 1986, the then 4th respondent attempted to put up fence on the subject matter property, which was strongly objected by the petitioner. In this regard, the Government Surveyor conducted appropriate survey in the property in question and contended that the subject property absolutely

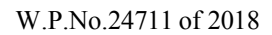


belongs to the petitioner's father. Thereafter, the then Superintendent of Police requested the petitioner's father to permit the fourth respondent police to utilize the above property in order to enter to the police station. Accordingly, the petitioner's father accorded temporary permission for passage.

2.1. This being so, on 06.02.2018, the fourth respondent had arbitrarily fixed a name board by depriving the usage of the above said property. Thus, the petitioner has sent a representation dated 10.02.2018 to the respondents to direct the fourth respondent to remove the name board and to take necessary action in this regard. However, no action was taken till date. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 10.02.2018, within a time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the



5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 10.02.2018 by conducting a detailed enquiry after giving due notice, affording an opportunity of personal hearing, to consider the relevant documents submitted by both the parties at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the aforesaid observation and directions. No costs.

21.06.2024

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Page No.4 of 7



W.P.No.24711 of 2018

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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W.P.No.24711 of 2018

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W.P.No.24711 of 2018



WEB COPY



W.P.No.24711 of 2018

21.06.2024