



WEB COPY



W.P.No.21721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21721 of 2024

B.Subash Lazer

... Petitioner

Vs.

1.The Director of Town Panchayat,
Santhome High Road,
Raja Annamalaipuram,
Chennai 600 028.

2.The District Collector,
Kanniyakumari District.

3.The Assistant Director of Town Panchayat,
Nagercoil Region,
Nagercoil, Kanniyakumari District.

4.The Executive Officer,
Vellimalai Town Panchayat,
Ammandivezhai Post,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 30.04.2024 with regard to restore the compound wall on both East and Western side and also remove the Cement Road laid in the petitioner's property comprised in S.No.392/8 measuring an extent of 6.5 cents situated in Vellichandai 'A' Village Kulkulam Taluk, Kanniyakumari District, within a stipulated time as



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framed by this court and consequently, award cost towards damage.

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For Petitioner : Mr.M.Ramdoss

For Respondents : Dr.T.Seenivasan, SGP for R1
Mr.U.Baranidharan, AGP for R4
Mr.M.Venkateswaran, SGP for R2& R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 30.04.2024 with regard to restore the compound wall on both East and Western side and also remove the Cement Road laid in the petitioner's property comprised in S.No.392/8 measuring an extent of 6.5 cents situated in Vellichandai 'A' Village Kulkulam Taluk, Kanniyakumari District, within a stipulated time as framed by this court and consequently, award cost towards damage.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. The case of the petitioner is that the petitioner acquired the subject property by way of release deed from his family members and was in possession and enjoyment of the same. According to the petitioner, the



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adjacent land to his property belong to the Public Works Department. The petitioner has constructed a new compound wall on the eastern and western side of his property in the year 2023. The fourth respondent had demolished the petitioner's compound wall and laid a cement road in the petitioner's property along with the adjacent property belongs to the Public Works Department. The petitioner made a representation to the respondents to restore the petitioner's compound wall. Since no action was forthcoming from the respondents, the petitioner is before this Court.

4. The learned Special Government Pleader for the respondents submitted that the petitioner's representation will be considered and appropriate orders will be passed within a time frame as may be fixed by this Court.

5. In view of the above circumstances, this Writ Petition is disposed of and the respondents are directed to consider the representation of the petitioner and the Executive Officer is directed to measure the land with the help of Tahsildar and Surveyor and find out whether the said road had been laid in the petitioner's land. If they have done so, the respondents are directed to take appropriate measures on that aspect and pass appropriate



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orders on the representation within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Index:Yes/No
Speaking / Non- speaking order
gsk

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V.BHAVANI SUBBAROYAN J.

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