



W.P.No.24359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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R.Arulmozhiselvi

.. Petitioner

Vs

1.The District Collector,
Erode District.

2.The Tahsildar,
Perundurai,
Erode District.

3.The Block Development Officer,
Perundurai,
Erode District.

4.The Chairman,
Perundurai Town Panchayat,
Erode District.

5.The Executive Officer,
Perundurai Town Panchayat,
Erode District.

6.C.Eswaramoorthy

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to consider petitioner's objection dated 14.8.2024 in the enquiry initiated by the fifth respondent based on the complaint of the sixth respondent dated 16.3.2024.

For the Petitioner : Mr.M.Guruprasad

For Respondents : Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 5

: Mr.N.S.Suganthan
for respondent No.6

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 5 to consider petitioner's objection dated 14.8.2024 in the enquiry initiated by the fifth respondent based on the complaint of the sixth respondent dated 16.3.2024.



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2. Learned counsel for the petitioner submits that, based on the complaint given by the sixth respondent, the respondent authorities are taking steps to remove the gravel on the road in front of the petitioner's house, thereby levelling the pathway to the level of the land, and the same would cause undue hardship to the petitioner.

3. Learned counsel for the sixth respondent submitted that the respondent authorities are taking action based on the direction issued by a Co-ordinate Bench of this court on 24.6.2024 in W.P.No.16272 of 2024 and, therefore, the same does not warrant any interference.

4. Before adverting to the merits of the matter, it is apposite to refer to the relevant portion of the order dated 24.6.2024 passed in W.P.No.16272 of 2024, which reads thus:

"6. The aforesaid representation shall be disposed of by R5 as expeditiously as the business of R5 would permit and we are acutely conscious that we have



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*taken up main writ petition with the consent of both sides in the Admission Board and we are disposing of the same when private respondent (R6) is not before us. **Therefore, we put in a safety valve qua private respondent by saying that R5 while disposing of aforementioned representation shall ensure that the rights and contentions of R6, if any, are considered.** However, if it is a case of removal under Section 128(1)(a) of said Act, we make it clear that show-cause notice question will not arise as in a case of removal under Section 128 (1)(b) of said Act. Therefore, let the representation be disposed of on its own merits and in accordance with law as expeditiously as the business of R5 would permit in any event within a period of 8 weeks from today i.e., 19.08.2024."*

[emphasis supplied]

5. A reading of the aforesaid order makes it quite vivid that the authorities were directed to consider the rights and contentions of the petitioner herein before taking any action. Therefore, the objection of the petitioner has to be necessarily considered by the respondent authorities.



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6. At this juncture, learned Government Advocate appearing on behalf of respondents 1 to 5 submitted that the authorities shall consider the objection filed by the petitioner dated 14.8.2024 in the light of the order dated 24.6.2024 passed in W.P.No.16272 of 2024, and thereafter proceed in accordance with law. The said submission is recorded.

7. In the light of the submission made by learned Government Advocate, no further orders are required to be passed in the writ petition. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.26618 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
20.08.2024

Index : Yes/No
NC : Yes/No
sasi



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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