



W.P(MD)No.1331 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1331 of 2024

Ramachandran

..Petitioner

Vs

1.The Principal Secretary,
Revenue and Disaster Management,
Secretariat, Chennai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Commissioner,
Madurai Corporation,
Madurai.

4.Murugesapandian

5.Karuppanalagu

6.Muthalagu

7.Sankar Alagu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to take necessary action against the 4th respondent for illegally removing the petitioner's 3 grocery shops located at the end of each of the common pathways provided for 22 plots comprised in Town Survey No.55, at Thiruppalai, 3rd Pit, Kannanenthal Village,



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Madurai District for illegally creating pathway for the houses of respondents No.5 to 7 on the basis of his representation dated 02.06.2023.

For Petitioner :Mr.T.Indrachithu

For Respondents :Mr.D.Gandhi Raj,
Spl. Government Pleader for R1.
Mrs.S.Devasena,
Standing Counsel for R2 & R3.

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to take necessary action against the 4th respondent for illegally removing the petitioner's 3 grocery shops located at the end of each of the common pathways provided for 22 plots comprised in Town Survey No.55, at Thiruppalai, 3rd Pit, Kannanenthal Village, Madurai District for illegally creating pathway for the houses of respondents No.5 to 7 on the basis of his representation dated 02.06.2023..

2. Heard Mr.T.Indrachithu, learned counsel appearing for the petitioner, Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the first respondent and Mrs.S.Devasena, learned Standing Counsel appearing for the respondents 2 and 3.



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3. By consent, this writ petition is disposed of at the admission itself.

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4. According to the petitioner, Pandi, Arumugam Visalatchi and T.Selvamani are the owners of the land comprised in R.S.Nos.346/4, 346/5, 346/6 and 349 and New Survey No.55 at Thiruppalai, 3rd Bit, Kannanenthal Village, Madurai. They executed power of attorney in favour of the petitioner and his wife. They divided the property into 22 plots and sold to several individuals that includes three common pathway. They also left ½ cent of land in each of the common pathway. In the said vacant land, the petitioner developed three grocery shops. The respondents 5 to 7 are the adjacent land owners. They applied to the Assistant Director, Urban Development Department, Madurai seeking planing approval by showing the ½ cent of land as their pathway. The authority also granted approval by removing the grocery shops. Hence, the petitioner filed objection before the Assistant Director, Urban Development Department, Madurai. He vide proceedings dated 29.11.2022 directed the petitioner to approach the second respondent, who is competent to decide the issue. Hence, the petitioner sent a representation on 02.06.2023 to the respondents 2 and 3 for taking necessary action. Since no action was taken thereon, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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5. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that appropriate direction may be given to the respondents 2 and 3 to consider the petitioner's request in accordance with law, within a time frame.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the second respondent to hold an enquiry and to consider the petitioner's representation dated 02.06.2023, pass orders on merits and in accordance with law after affording an opportunity to all the parties concerned. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

07.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

The Principal Secretary,
Revenue and Disaster Management,
Secretariat, Chennai.



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V.BHAVANI SUBBAROYAN,J

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