



W.P(MD)No.2757

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2757 of 2024

M.Mariyammal

... Petitioner

Vs

1.The District Collector,
O/o.District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.

4.The Executive Officer,
Sayalgudi Town Panchayat,
Sayalgudi, Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 28.11.2023 and to take action based upon the petitioner's representation.



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For Petitioner : Mr.S.Ramsundarvijayraj
For R1 to R3 : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 28.11.2023 and to take action based upon the petitioner's representation.

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

3. Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner and Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 3.

4. According to the petitioner, she is physically handicapped person and she was deserted by her husband. She is running her day-to-day life by selling Karuvadu in the Sayalkudi Market. On 25.11.2023 at about 04.00 p.m., one Sekar, who is the Executive Officer of the Municipality went to the Market and told the petitioner to vacate the shop.



5. The said act of the said Sekar were published in the newspaper and online media and shared in the social media by the people. The petitioner has given a complaint to the respondent police on 26.11.2023 and the respondent police has issued CSR No.367 of 2023, but till date, no case has been registered. Since, the respondents did not take any action on the petitioner's representation, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the District Collector, Ramanathapuram has taken appropriate action and suspended Mr.Sekar, Executive Officer, Sayalkudi Town Panchayat through his proceedings, dated 26.11.2023 for his unlawful activities in the public place.

7. It is seen from the proceedings of the District Collector, Ramanathapuram, dated 26.11.2023 that the Executive Officer Mr.Sekar was suspended from service under Sub Rule (3)(1)(i) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) rules, but the petitioner seeks a prayer to take action against the said Sekar under Section 7 of the Rights of persons with disabilities Act, 2016 and to register the case against the said Sekar.



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8. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation, dated 28.11.2023 and to take appropriate action and proceed further in the manner known to law. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No

Internet : Yes/No

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09.02.2024

To

1.The District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
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Ramanathapuram.

3.The Tahsildar,
Kadaladi Taluk, Kadaladi,
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V.BHAVANI SUBBAROYAN, J.

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