



W.P(MD)No.3813 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3813 of 2017

N.B.Vinoth Kannan

... Petitioner

Vs

1.The District Collector,
O/o The District Collector Office,
Theni District.

2.The Executive Officer,
Andipatti Selection Grade Panchayat,
Andipatti, Theni 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 petitioner's representation dated 28.01.2017 within a period that may be stipulated by this Court.

For Petitioner	: No appearance
For R1	: Mr.A.Baskaran Additional Government Pleader
For R2	: Mr.M.Rajarajan

ORDER

This writ petition was filed for a Mandamus, directing the respondent to consider the petitioner's representation dated 28.01.2017.



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2.The case of the petitioner is that the land in Natham Survey No.711/A1A, New Survey No.2433/10 in Patta No.1850, Andipatti Village, Theni District is the petitioner's property ancestrally. The revenue records for the subject property stands in the name of the petitioner. According to the petitioner a portion of the above property was encroached by the second respondent herein and after lodging a complaint as against the second respondent, the said encroachment was removed. Thereafter, the second respondent has filed a suit in O.S.No.57 of 2015, for the relief of declaration and injunction before the District Munsif Court, Andipatti as against the petitioner's father, without impleading the petitioner as a party to the suit. In the meantime, the second respondent has also obtained a building plan approval to put up a construction covering the land belongs to the petitioner. Therefore, the petitioner's father has made an objection by way of a representation, dated 30.06.2016. As there was no action, the petitioner has submitted another representation on 28.01.2017 along with necessary documents. However, the respondents have not taken any action. Hence, the petitioner has



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approached this Court by way of this writ petition on 02.03.2017 for the relief of Mandamus, to direct the respondents to consider his representation.

3.This Court, by order dated 03.03.2017 has directed the petitioner to implead the private parties against whom, the petitioner is having grievance as party respondents to this writ petition and also directed the petitioner to file a better affidavit. However, the petitioner has not complied with the orders of this Court, dated 03.03.2017.

4.When this writ petition was taken up for hearing on 09.01.2024, there was no representation for the petitioner as well as the second respondent and therefore, this writ petition was ordered to be listed today. Even today there is no representation for the petitioner.

5.The learned counsel appearing for the second respondent submits that there is a private dispute between the



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petitioner and one Prabhu and the said Prabhu has obtained a decree in favour of him.

6.Considering the submissions made by the learned counsel for the second respondent, considering the limited relief sought for by the petitioner and also considering the fact that this writ petition is pending from the year 2017, this writ petition is disposed of with a direction to the respondents to consider the representation of this petitioner and to pass orders on his representation within a period of six weeks from the date of receipt of a copy of this order. No costs.

10.01.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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O/o The District Collector Office,
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Andipatti Selection Grade Panchayat,
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B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.3813 of 2017

10.01.2024