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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE MOHHAMED SHAFFIQ

W.P.No.13600 of 2022
and
W.M.P.No.12817 of 2022

M.Kumar

.. Petitioner

Vs

1. The Collector
Chengalpattu District
2. The District Revenue Officer
Chengalpattu District.
3. The Thasildar
Thirukalikundram - T.K
Chengalpattu District.
4. M/s.Harini City Paradise
Corporate Office, Rep by its authorised person
No.46, Poes Road, II Street, Opp to Raj TV
Teynampet, Chennai 600 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents 1 to 3 to remove the encroachment made by the fourth respondent in the graveyard and burial ground of the government land in Survey No.245 to the extent of 42 acres, situated in Kadampadi Revenue Village and remove the illegal constructions of compound wall made by the fourth respondent in the government pathway which is the common pathway to graveyard, situated in the borders of both the Revenue villages of Manamai and Kandampadi, Thirukalikundram Taluk, Chengalpattu District based on the petitioner's representation dated 25.04.2022.

For Petitioner : Mr.S.Arokia Maniraj



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For Respondents : Mr.J.Ravindran
AAG (Coordination)
Assisted by
Mr.A.Selvendran
Special Government Pleader
for respondents 1 and 3

ORDER

(Order of the Court was made by
Hon'ble Justice M.S.RAMESH)

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 25.04.2022 seeking removal of the encroachment made by the fourth respondent in the graveyard and burial ground of the government land in Survey No.245 to the extent of 42 acres, situated in Kadampadi Revenue Village and remove the illegal constructions of compound wall made by the fourth respondent in the government pathway which is the common pathway to graveyard, situated in the borders of both the Revenue villages of Manamai and Kandampadi, Thirukalikundram Taluk, Chengapattu District. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 25.04.2022, if action has not already been taken, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



5. With the above direction, the Writ Petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

kk/drm

To

1. The Collector
Chengalpattu District
2. The District Revenue Officer
Chengalpattu District.
3. The Thasildar
Thirukalikundram - T.K
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.32082

W.P.No.13600 of 2022
and
W.M.P.No.12817 of 2022

GPL (CO)
UMA (14/06/2022)