



WEB COPY

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 MOHAMMED SHAFFIQ

W.P.No.13578 of 2022

M.Muniraj

.. Petitioner

Vs

1. The District Collector
Krishnagiri District
Krishnagiri.

2. The Tahsildar
Denkanikottai Taluk
Denkanikottai
Krishnagiri District.

3. Venkatathiri.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to remove the encroachments in the poramboke land which is classified as "Vari" in survey No.398 situated at Kelamangalam Village, Denkanikottai Taluk, Krishnagiri District within a time frame.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.J.Ravindran
AAG (Coordination)
Assisted by
Mr.A.Selvendran
Special Government Pleader
for respondents 1 and 2

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.



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2. The petitioner herein had given a representation to the respondents on 27.04.2022 seeking removal of the encroachments in the poramboke land which is classified as "Vari" in survey No.398 situated at Kelamangalam Village, Denkanikottai Taluk, Krishnagiri 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 27.04.2022 on its own merits and after affording an opportunity to the petitioner and other interested parties, 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. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

kk/drm

To

1. The District Collector
Krishnagiri District
Krishnagiri.



2. The Tahsildar
Denkanikottai Taluk
Denkanikottai
Krishnagiri District.

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+1cc to the Government Pleader, S.R.No.32081

W.P.No.13578 of 2022

GPL (CO)
UMA (14/06/2022)
UMA (16/06/2022)