



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

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

W.P.No.13804 of 2022

P.Muthu

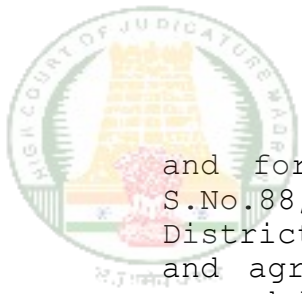
...Petitioner

Vs

1. The Collector,
Kallakurichi District,
Kallakurichi.
2. The Sub Collector,
Office of the Collectorate,
Kallakurichi District,
Kallakurichi.
3. The Tahsildar,
Chinnasalem Taluk Office,
Chinnasalem, Kallakurichi District.
4. The Block Development Officer,
Chinnasalem, Kallakurichi District.
5. The Commissioner,
Chinnasalem Union Office,
Chinnasalem, Kallakurichi.
6. The Village Administrative Officer,
Kural and Kalasamuthiram Village,
Chinnasalem Taluk,
Kallakurichi District.
7. Kural Village Panchayat,
Rep. by its Panchayat President,
Kural Village,
Chinnasalem Taluk,
Kallakurichi District.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the representation dated 09.12.2019 and 27.04.2022



and form a proper Tar road in S.No.211/1 Kural Village and S.No.88, Kalasamuthiram Village, Chinnasalem Taluk, Kallakurichi District without hindrance to the odai for the use of residents and agriculturists of Kural Village base upon the resolution passed by the 7th respondent Panchayat dated 27.04.2022 and the report made by the 6th respondent dated 05.05.2022 and Tamil Nadu Veterinary and Animal Sciences University.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.J.Ravindran
Addl. Adv. General
assisted by
Mr.A.Selvendran, Spl.G.P.

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

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

2.The petitioner herein had given two representations to the respondents, one dated 09.12.2019 and the other dated 27.04.2022 to form a proper tar road in S.No.211/1, Kural Village and S.No.88, Kalasamuthiram Village, Chinnasalem Taluk, Kallakurichi District, without disturbing the Odai for the use of the villagers. Since no order has been passed on the said representations, 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 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.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Collector,
Kallakurichi District,
Kallakurichi.
2. The Sub Collector,
Office of the Collectorate,
Kallakurichi District,
Kallakurichi.
3. The Tahsildar,
Chinnasalem Taluk Office,
Chinnasalem, Kallakurichi District.
4. The Block Development Officer,
Chinnasalem, Kallakurichi District.
5. The Commissioner,
Chinnasalem Union Office,
Chinnasalem, Kallakurichi.
6. The Village Administrative Officer,
Kural and Kalasamuthiram Village,
Chinnasalem Taluk, Kallakurichi District.
7. The Panchayat President,
Kural Village Panchayat,
Kural Village, Chinnasalem Taluk,
Kallakurichi District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.32022
+1cc to the Government Pleader, S.R.No.32075

W.P.No.13804 of 2022

GJ(CO)
RGA(09/06/2022)