



W.P.No.8550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8550 of 2023

T.Murthy

...Petitioner

Vs

- 1.The District Collector,
Dharmapuri,
Dharmapuri District.
- 2.The Revenue Divisional Officer,
Arur, Pappireddipatti Taluk,
Dharmapuri District - 656301.
- 3.The Tahsildar,
Taluk Office, Pappireddipatti Taluk,
Dharmapuri District - 656301.
- 4.The Superintendent of Police,
Salem, Salem District.
- 5.The Inspector of Police,
Pappireddipatti Police Station,
Pappireddipatti Taluk,
Salem District.
- 6.Sangeetha

...Respondents



W.P.No.8550 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry and pass orders in order to remove the unlawful obstructions (thorn fencing, prosopis juliflora) in public pathway in S.No.71/2, in land between 69/3B and 66/1A at Sungarahalli Village, Pappireddipatti Taluk, by considering the petitioner's representation dated 27.06.2022.

For Petitioner : Mr.M.Elango
For R1 to R5 : Mr.Murugan Raja,
Government Advocate

ORDER

Heard Mr.M.Elango, learned counsel for the petitioner and Mr.Murugan Raja, learned Government Advocate for the respondents 1 to 5.

2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due opportunity to the sixth respondent herein, notice to the sixth respondent is hereby dispensed with.



W.P.No.8550 of 2023

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3. The petitioner herein had given a representation to the respondents on 27.06.2022 to remove the unlawful obstructions in the public pathway in Survey No.71/2 in the land between 69/3B and 66/1A, Sungarahalli Village, Pappireddipatti Taluk. Since the said representation was not considered, the present writ petition has been filed.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation



W.P.No.8550 of 2023

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dated 27.06.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent herein, as well as all other persons who may be interested in the subject property, within a period of twelve weeks 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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

20.03.2023

Index: Yes/No

Speaking order/Non-speaking order

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W.P.No.8550 of 2023

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W.P.No.8550 of 2023

M.S.RAMESH,J.

hvk

W.P.No.8550 of 2023

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