



W.P.(MD) No.12481 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P(MD)No.12481 of 2023
and
W.M.P(MD)Nos.10558 and 10560 of 2023**

M.C.Pandi

... Petitioner

-VS-

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Block Development Officer,
(Village Panchayat),
Aathur, Dindigul District.
- 4.The Tahsildar,
Aathur Taluk,
Aathur,
Dindigul District.



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5.The President,
Gandhigramam Village Panchayat,
Aathur Village Panchayat Union,
Dindigul District.

6.Jaisankar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent on the Oodai in Survey Nos.409 and 411 at Keelakottai Village, Aathur Taluk, Dindigul District based on the petitioner's representation, dated 09.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.M.Murugan
For R-1 to R-4 : Mr.A.Kannan,
Additional Government Pleader

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

In view of the nature of the order going to be passed, notice to the respondents 5 and 6, is dispensed with.



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2. The petitioner herein had given a representation to the respondents on 09.02.2023 seeking to remove the encroachment made by the sixth respondent on the Oodai in Survey Nos.409 and 411 at Keelakottai Village, Aathur Taluk, Dindigul 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 fourth respondent herein to consider the petitioner's representation,



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dated 09.02.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) 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. There shall be no order as to costs. Connected Miscellaneous Petitions are closed.

[M.S.R., J.]

[P.T.A., J.]

24.05.2023

NCC : Yes/No

Index : Yes/No

PM



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