



W.P.(MD) No.12495 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD) No.12495 of 2023

D.Mukunda Krishnan

...Petitioner

Vs

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Dindigul District, Dindigul.
3. Assistant Director,
District Town and Country Plan Office,
No.14, Vivekananda Nagar,
Dindigul District, Dindigul.
4. The Tahsildar,
Dindigul West Taluk, Dindigul District.
5. The President,
Kuttathupatty Village Panchayat,
Reddiarchattiram Union,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 5 to permit the petitioner and other public to use the pathway situated in S.No.699/2, Kuttathupatti Village, Dindigul West Taluk, Dindigul District as per the order passed by the 4th respondent herein in his Na.Ka. 1713/2022 dated 13.05.2022.

For Petitioner : Mr.A.Chandrakumar

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R1 to R4

ORDER

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 16.03.2022 to permit the petitioner and other public to use the pathway situated in S.No.699/2, Kuttathupatti Village, Dindigul West Taluk, Dindigul District, in the light of the order passed by the fourth respondent herein *vide* Na.Ka.1713/2022 dated 13.05.2022. Since



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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 respondents herein to consider the petitioner's representation, dated 13.05.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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



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that it is open to the concerned respondent to consider the same on its own merits.

5. With the above directions, the writ petition stands disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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4. The Tahsildar,
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