



W.P.(MD) No.12521 of 2023

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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.12521 of 2023

R.Rajaram

... Petitioner

-VS-

1.The District Collector,
Sivagangai District.

2.The Thasildhar,
Manamadurai Taluk,
Sivagangai District.

3.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai District.

4.Sathiyaseela @ Sappanimuthu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to restore the water channel in original position as per the mentioned FMB Sketch in Survey No.108/6 at



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Malavarayenanathal Village, Manamadurai Taluk, Sivagangai District, published by the Survey and Settlement Department, Government of Tamil Nadu on the basis of the petitioner's representation dated 29.04.2023.

For Petitioner : Mr.R.Udhayakumar
For RR1 to 3 : Mr.M.Lingadurai
Special Government Pleader

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 a representation to the respondents on 29.04.2023 seeking to restore the water channel in original position as per the mentioned FMB Sketch in Survey No.108/6 at Malavarayenanathal Village, Manamadurai Taluk, Sivagangai District, published by the Survey and Settlement Department, Government of Tamil Nadu. Since the said representation was not considered, the present Writ Petition has been filed.



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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 29.04.2023, 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.



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5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R., J.] [P.T.A., J.]
24.05.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



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M.S.RAMESH, J.
and
P.T.ASHA, J.

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