



W.P.(MD).No.2742 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.2742 of 2021

P.Kannan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Revenue Inspector,
Radhapuram Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
Vallioor VAO Office,
Radhapuram Taluk,
Tirunelveli District.

5.Senthivel Murugan

6.Pathmanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the 1st respondent to consider the



W.P.(MD).No.2742 of 2021

petitioner's representation dated on 11.01.2021 within a time stipulated by this Court and consequently direct to respondents evict the encroachers from S.Nos.2185/36 and 39 in Vallioor North Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.C.D.John Son
For R-1 to R-4 : Mr.P.Thilak Kumar
Government Pleader
For R-5 & R-6 : Mr.E.V.N.Siva

ORDER

This Writ Petition has been filed for Mandamus, to direct the first respondent to consider the petitioner's representation dated on 11.01.2021 within a time stipulated by this Court and consequently, direct the respondents to evict the encroachers from S.Nos.2185/36 and 39 in Vallioor North Village, Radhapuram Taluk, Tirunelveli District.

2. The petitioner herein had given a representation to the respondents 1 to 4 on 11.01.2021 to remove the encroachments alleged to have been made by the respondents 5 and 6 in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD).No.2742 of 2021

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 him 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 the Constitution of the India and direct them to consider the same within a stipulated time.

4. Since there is a considerable lapse of time after the earlier representation was made, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 5 and 6, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.



W.P.(MD).No.2742 of 2021

WEB COPY

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

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

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

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Revenue Inspector,
Radhapuram Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
Vallioor VAO Office,
Radhapuram Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD).No.2742 of 2021

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.2742 of 2021

11.12.2024