



W.P.(MD).No.3870 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.3870 of 2021

Mathavi

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 3.The Zonal Deputy Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.Abdul Rahman
- 5.Mohamed Mubeen
- 6.Shamima Banu
- 7.Abdul Hakeem
- 8.Syed Ali Fathima
- 9.Abdul Backi

... Respondents



W.P.(MD).No.3870 of 2021

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 remove the encroachment made by the respondents 4 to 9 in Survey No.216/2, situated at Cholaganpettai @ Ragunathasamuthiram, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 31.08.2020.

For Petitioner : Mr.T.Lenin Kumar

For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader

For R-4 to R-9 : Mr.J.Anand Kumar

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 9 in Survey No.216/2, situated at Cholaganpettai @ Ragunathasamuthiram, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 31.08.2020.

2. The petitioner herein had given a representation to the official respondents on 31.08.2020 to remove the encroachments alleged to have been made by the respondents 4 to 9 in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD).No.3870 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 4 to 9, 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.3870 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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 3.The Zonal Deputy Tahsildar,
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W.P.(MD).No.3870 of 2021

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

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W.P.(MD).No.3870 of 2021

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