



W.P(MD)No.5214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM :

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

W.P(MD)No.5214 of 2024

K.Ganapathy

... Petitioner

vs.

1. The District Collector,
District Collector Office,
Thanjavur.

2. The Divisional Monitoring Committee,
Convened by the Revenue Divisional Officer,
District Collectorate,
Thanjavur District.

3. The Tahsildar,
Tahsildar Office,
Orathanadu,
Thanjavur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representations dated 09.09.2023, 16.11.2023 and 18.12.2023 as per G.O.Ms.No.64 dated 08.02.2022 and pass order to remove the encroachment at Government Public road and street in S.No.132/6, 133/58 situated at Mandalakottai Village, Orathanadu Taluk, Thanjavur District, within stipulated time as fixed by this Hon'ble Court.



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For Petitioner : Mr.J.Senthil Kumaraiah
For Respondents : Mr.P.Thilakkumar, Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the 2nd respondent to consider the petitioner's representations dated 09.09.2023, 16.11.2023 and 18.12.2023, as per G.O.Ms.No.64 dated 08.02.2022 and pass order to remove the encroachment at Government public road and street in S.Nos.132/6 and 133/58 situate at Mandalakottai Village, Orathanadu Taluk, Thanjavur District, within a time frame.

2. The learned counsel appearing for the petitioner would submit that there is a public road in the above said survey numbers, which is encroached upon by the adjacent land owners, thereby, the width of the road is reduced, causing hindrance to the traffic. Seeking removal of encroachment, the petitioner sent a representation dated 09.09.2023, to the respondents to take action as per G.O.Ms.No.540, Revenue (LD6(2) Department, dated 04.12.2014. since the said representation was not considered, he filed first appeal and second appeal to the respondents 2 and 1 respectively, as per G.O.Ms.No.540, but no action was taken. The learned counsel further submitted that the



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Government have issued G.O(Ms)No.64, Revenue and Disaster Management Department, Land Disposl Wing, 'LD.6(2)' Section, dated 08.02.2022, forming new committees in supersession of earlier committees regarding eviction of encroachment in water bodies and other Government lands. Therefore, the petitioner made representations dated 09.09.2023, 16.11.2023 and 18.12.2023, seeking removal of encroachment as per G.O(Ms)No.64 and finding no heed to his representations was paid, the petitioner has filed this writ petition.

3. Heard the learned counsel for the petitioner and learned Government Pleader appearing for the respondents.

4. 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.



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5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representations dated 09.09.2023, 16.11.2023 and 18.12.2023, on their own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject property, within a period of twelve 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 matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
12.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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DATED : 12.11.2024