



W.P.(MD).No.5269 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.5269 of 2021

Aranthai Annadurai

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Commissioner of Land Administrative
Revenue and Disaster Management Department,
Fort St.George,
Chennai.
- 2.The District Collector,
Pudukkottai District ,
Pudukkottai.
- 3.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 5.The Assistant Director of Survey,
Survey and Land Records Department,
Pudukkottai.



W.P.(MD).No.5269 of 2021

6.The Tahsildar,
Taluk Office,
Aranthangi,
Pudukkottai District.

7.The Block Development Officer,
Aranthangi Panchayat Union,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to remove the encroachments from the channel of water body in S.F.No.14 and S.F.No.104 of Chidambaraveduthi Village, and Cart Track in S.F.No.320 of Kurumbur Village, Aranthangi Taluk, Pudukkottai District within the stipulated time.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents to remove the encroachments from the channel of water body in S.F.No.14 and S.F.No.104 of Chidambaraveduthi Village, and Cart Track in S.F.No.320 of Kurumbur Village, Aranthangi Taluk, Pudukkottai District within the stipulated time.



W.P.(MD).No.5269 of 2021

2. The petitioner herein had given a representation to the respondents 2 to 6 on 28.02.2020 to remove the encroachments from the channel of water body in S.F.No.14 and S.F.No.104 of Chidambaraveduthi Village and Cart Track in S.F.No.320 of Kurumbur Village, Aranthangi Taluk, Pudukkottai District. Since 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 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



W.P.(MD).No.5269 of 2021

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, 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.

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

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W.P.(MD).No.5269 of 2021

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W.P.(MD).No.5269 of 2021

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