



W.P.(MD).No.9793 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.11.2024

CORAM

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

W.P.(MD).No.9793 of 2024

T.Ignasimuthu

... Petitioner

Vs.

1.The Tahsildar,  
O/o. Karaikudi Taluk,  
Tahsildar Office, Karaikudi Taluk,  
Sivagangai District.

2.S.Rajan

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's representation dated 16.08.2023 within a time frame as may be fixed by this Court and to remove the encroachment made by the 2<sup>nd</sup> respondent in Old S.No.274/8 now New S.No.442/7 measuring about 0.010 ares Government Public drinking water well land situated at Soorampatti Village, Punnagudi Group, Karaikudi Taluk, Sivagangai District.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.M.Ponniah                                  |
| For R-1        | : Mr.S.Shaji Bino<br>Special Government Pleader |
| For R-2        | : Mr.P.Rajagopalan                              |



W.P.(MD).No.9793 of 2024

## **ORDER**

WEB COPY

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

This Writ Petition has been filed for Mandamus to direct the first respondent to consider the petitioner's representation dated 16.08.2023 within a time frame as may be fixed by this Court and to remove the encroachment made by the second respondent in Old S.No.274/8, now New S.No.442/7, measuring about 0.010 ares Government Public drinking water well land situated at Soorampatti Village, Punnagudi Group, Karaikudi Taluk, Sivagangai District.

2. The petitioner herein had given a representation to the first respondent on 16.08.2023 to remove the encroachments alleged to have been made by the second respondent. 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



W.P.(MD).No.9793 of 2024

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. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 16.08.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the second respondent herein, as well as all other persons, who may be interested in the subject property, 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 matter and that it is open to the concerned respondent to consider the same on its own merits.

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

**(M.S.R.,J.) (A.D.M.C.,J.)**  
**27.11.2024**

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



*W.P.(MD).No.9793 of 2024*

To

The Tahsildar,  
O/o. Karaikudi Taluk,  
Tahsildar Office, Karaikudi Taluk,  
Sivagangai District.



WEB COPY



*W.P.(MD).No.9793 of 2024*

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

Lm

W.P.(MD).No.9793 of 2024

27.11.2024