



WP(MD). No.8707 of 2020

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**

**WP(MD). No.8707 of 2020
and WMP(MD) No.8024 of 2020**

S. Dakshinamoorthy,

... Petitioner

Vs

1. The Commissioner,
Thiruchirapalli City Corporation.,
Bharathidasan Salai,
Cantonment,
Tiruchirapalli.

2. The Assistant Commissioner,
Tiruchirapalli City Corporation,
K.Abishekapuram Zone,
K.V.R.Road,
Puthur,
Tiruchirapalli - 620 017.

3. G.Perumal

... Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachments made by the 3rd respondent in Ward



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No.Y.Block No.21, Town Survey No.53 Thennur Village, Tiruchirapalli East tk., Tiruchirapalli Dist and consequently consider the representation dated 06-01-2020.

For Petitioner : M/s. P. Arun Jayatram,

For Respondent : M/s. Kishore Ram
R.B.Law Associates – R1 & R2
M/s. J.Maria Roselin - R3

ORDER

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

Heard both sides and perused the materials available on record.

2. The petitioner herein had given a representation to the official respondents on 06.01.2020 to remove the encroachments made by the 3rd respondent in S.No.53 of Thennur Village. 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,

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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 and the private respondents, 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.



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5. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J] [A.D.M.C.,J]
11.12.2024

NCC : Yes/No
Index : Yes/No

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