



W.P.(MD).No.10100 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.10100 of 2021
and
W.M.P.(MD).No.7828 of 2021

S.Seeniammal

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Taluk Office, Sattur Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Sattur Taluk,
Sattur, Virudhunagar District.
- 4.The President,
E.Kumaralingapuram Village Panchayat,
E.Kumaralingapuram, Sattur Taluk,
Virudhunagar District.

5.Selvaraj

... Respondents



W.P.(MD).No.10100 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st to 4th respondents to consider the representation dated 30.04.2021 of the petitioner and to initiate legal consequently as against the 5th respondent within a time frame that may be fixed by this Court.

For Petitioner : Mr.C.M.Arumugam

For R-1 to R-3 : Mr.S.R.A.Ramachandran

Additional Government Pleader

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 30.04.2021 and to initiate legal action as against the 5th respondent within a time frame that may be fixed by this Court.

2. The petitioner herein had given a representation to the respondents 1 to 4 on 30.04.2021, to remove the encroachment alleged to have been made by the fifth respondent in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD).No.10100 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 her 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 fifth respondent 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.



W.P.(MD).No.10100 of 2021

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(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,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Taluk Office, Sattur Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Sattur Taluk,
Sattur, Virudhunagar District.
- 4.The President,
E.Kumaralingapuram Village Panchayat,
E.Kumaralingapuram, Sattur Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD).No.10100 of 2021

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

Lm

W.P.(MD).No.10100 of 2021

11.12.2024