



W.P.(MD).No.9658 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.9658 of 2024

V.Palanikumar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Thiruchuli Taluk,
Thiruchuli,
Virudhunagar District.

4.Veluchamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents 1 to 3 to remove the entire encroachment made by the 4th respondent in SF.No.378/5 of Kuruvai Kulam Village, Thiruchuli Taluk, Virudhunagar District by considering petitioner's representation dated 26.02.2024.



W.P.(MD).No.9658 of 2024

For Petitioner : M/s.A.Arul Jenifer
For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader
For R-4 : Mr.T.Balaji

ORDER

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

This Writ Petition has been filed for Mandamus to direct the respondents 1 to 3 to remove the entire encroachment made by the fourth respondent in SF.No.378/5, Kuruvai Kulam Village, Thiruchuli Taluk, Virudhunagar District by considering the petitioner's representation dated 26.02.2024.

2. The petitioner herein had given a representation to the official respondents on 26.02.2024 to remove the encroachments alleged to have been made by the fourth 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



W.P.(MD).No.9658 of 2024

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. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 26.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth 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 respondents 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



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W.P.(MD).No.9658 of 2024

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