



W.P.(MD).No.16482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.16482 of 2024

R.Muthuvel

... Petitioner

Vs.

1.The District Collector/Monitoring Committee,
Pudukottai District,
Pudukottai District.

2.The Regional Joint Director,
Department of Animal Husbandry,
Pudukottai,
Pudukottai District.

3.The Assistant Director,
Department of Animal Husbandry,
Pudukottai,
Pudukottai District.

4.The Tahsildar,
Karambakudi Taluk,
Pudukottai,
Pudukottai District.

5.A.D.Namachivayam Chettiar

6.C.Karupaiah



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7.C.Sivakumar

8.M.Thangaiyan

9.Muthusamy

10.M.Sukkuru

11.Selvi

12.Muthuvel

13.Malaiyandi

14.P.Muthusamy

15.M.Govindan

16.G.Muthukumar

17.Neelavati

18.Muthusamy

19.Puspam

20.Usha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 20 in Survey Nos.75/2 and 76 situated at Karupattipatti Revenue Village, Krishnampatti Village, Veladipatti Post, Karambakudi Taluk, Pudukottai District, on the basis of the petitioner's representation dated 12.02.2024 within the time frame fixed by this Court.



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For Petitioner : Mr.A.Jayaramachandran
For R-1 to R-4 : Mr.P.Thilak Kumar
Government Pleader

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 4 to remove the encroachment made by the respondents 5 to 20 in Survey Nos.75/2 and 76 situated at Karupattipatti Revenue Village, Krishnampatti Village, Veladipatti Post, Karambakudi Taluk, Pudukottai District, on the basis of the petitioner's representation dated 12.02.2024 within the time frame fixed by this Court.

2. Since no adverse orders are going to be passed against the respondents 5 to 20, notice to the respondents 5 to 20 is hereby dispensed with.

3. The petitioner herein had given a representation to the official respondents on 12.02.2024 to remove the encroachments alleged to have been made by the respondents 5 to 20. Since the said representation was not considered, the present Writ Petition has been filed.



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4. 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.

5. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 12.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 20 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.



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6. 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

To

- 1.The District Collector/Monitoring Committee,
Pudukottai District,
Pudukottai District.
- 2.The Regional Joint Director,
Department of Animal Husbandry,
Pudukottai,
Pudukottai District.
- 3.The Assistant Director,
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