



WP(MD). No.11250 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

**THE HON'BLE Ms.JUSTICE R.N.MANJULA
and
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

WP(MD). No.11250 of 2024

M.Ravi

... Petitioner

Vs

**1.The District Collector
Collector Office, Thanjavur.**

**2.The Executive Engineer,
Public Work Departments (WRD)
Vennaru Sub Division, Thanjavur District**

**3.The Tahsildar
Papanasam Taluk
Thanjavur District**

4.P.Indra

... 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 to 3 to remove the encroachments made by the 4th respondent in the water channel comprised in SR.No.226A, 226B and 226C in Alangudi Village and further direct them to desilt the same for getting free flow of water for coming session cultivation in the month of June, by considering the representation dated 26.02.2024.

1/6



WEB COPY



WP(MD). No.11250 of 2024

For Petitioner : M/s.A.Senthilkumar

For Respondents : Mr.D.Gandhiraj for R1 to R3
Special Government Pleader

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Mr.A.Senthilkumar, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, for the respondents 1 to 3.

2.This writ petition has been filed for a direction to the respondents 1 to 3 to remove the encroachments made by the 4th respondent in the water channel comprised in SR.No.226A, 226B and 226C in Alangudi Village and further direct them to desilt the same for getting free flow of water for coming session cultivation in the month of June, by considering the representation dated 26.02.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.



WP(MD). No.11250 of 2024

4. The petitioner herein had given a representation to the respondents on 26.02.2024 seeking to remove the encroachments made by the 4th respondent in the water channel comprised in S.Nos.226A, 226B and 226C in Alangudi Village. Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

5. 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 the respondents 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.



WP(MD). No.11250 of 2024

WEB COPY

6. 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 making due enquiry, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is **disposed of**. No costs.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

RR

4/6



WP(MD). No.11250 of 2024

WEB COPY

To

- 1.The District Collector
Collector Office, Thanjavur.
- 2.The Executive Engineer,
Public Work Departments (WRD)
Vennaru Sub Division, Thanjavur District
- 3.The Tahsildar
Papanasam Taluk
Thanjavur District



WEB COPY



WP(MD). No.11250 of 2024

R.N.MANJULA, J.

AND

C.KUMARAPPAN, J.

RR

W.P.(MD)No.11250 of 2024

22.05.2024