



WP(MD). No.11276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**WP(MD). No.11276 of 2024
and WMP(MD) No.10024 of 2024**

Petchimuthu

... Petitioner

v.

**1.The District Collector/Monitoring Committee,
Tirunelveli District
Tirunelveli.**

**2. The Tahsildar
Manur Taluk
Tirunelveli District**

**4.Alagenda Exports
SF No.581 Sirupuluvapatti
Periyakadu Thottam
Tirupur Taluk & District 641 603
rep. by its Managing Director.**

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to remove all the encroachments made by the 3rd respondent



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obstructing the surplus water spilling course of Thadiyampatti Kanmoi towards Nagalapuram Kanmoi in Survey No.10/3 (10/3A, 10/3B and 10/3C) as well as Cart Road in Survey No.10/2 at Thadiyampatti Village, Manur Taluk, Tirunelveli District and restore it to original condition by considering the representation dated 16.04.2024 and 18.04.2024.

For Petitioner : M/s.A.Karthik

For Respondent : Mr.A.Kannan for R1 & R2
Special Government Pleader

ORDER

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

Heard Mr.A.KArthik, learned counsel for the petitioner and Mr.A.Kannan, learned Special Government Pleader, for the respondents 1 and 2. Since no adverse is going to be passed against the third respondent, notice to the third respondent is dispensed with.

2.This writ petition has been filed for a direction to the 1st and 2nd respondents to remove all the encroachments made by the 3rd respondent obstructing the surplus water spilling course of Thadiyampatti Kanmoi towards Nagalapuram Kanmoi in Survey No.10/3 (10/3A, 10/3B and 10/3C) as well as Cart Road in Survey No.10/2 at Thadiyampatti Village,



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Manur Taluk, Tirunelveli District and restore it to original condition by considering the representation dated 16.04.2024 and 18.04.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner herein had given a representation to the respondents on 16.04.2024 and 18.04.2024 seeking to remove the encroachments made by the third respondent obstructing the surplus water spilling course of Thadiyampatti Kanmoi towards Nagalapuram Kanmoi and to restore it to the original position. 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



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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.

6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 16.04.2024 and 18.04.2024 on its own merits and pass appropriate orders in accordance with law, 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 1 and 2 to consider the same on its own merits.



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7. With the above direction, this writ petition is **disposed of**. No costs. Consequently connected Miscellaneous Petition is closed.

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

NCC : Yes/No
Index : Yes/No

RR

To

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

2. The Tahsildar
Manur Taluk
Tirunelveli District



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RR

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