



W.P.(MD).No.12630 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.12630 of 2021
and
W.M.P.(MD).No.10456 of 2021

S.Narasimman

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Manoor Taluk Office,
Manoor, Tirunelveli District.

4.The Managing Director,
Welspun Renewable Energy Private Ltd.,
7th Floor, Welspun House,
Kamala City, Senapati Bapat Marg,
Lower Parel, Mumbai - 400 013.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent to implement the order



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passed by the 2nd respondent in his proceedings in O.Mu.A2/5970/2017 dated 13.11.2017 and proceedings in Pa.Mu.(A2)5386/2018 dated 26.09.2018 with regard to remove the encroachment made on the cart track by the 4th respondent on the lands in Prancherry Village, Survey Nos.699/2, 752, 753/2 and 754/3 situated at Manoor Taluk, Tirunelveli District based on the petitioner's representation dated 24.09.2019.

For Petitioner : Mr.G.Gomathi Sankar
For R-1 to R-3 : Mr.J.Ashok
Additional Government Pleader
For R-4 : Mr.S.Karthik

ORDER

This Writ Petition has been filed for Mandamus, directing the 3rd respondent to implement the order passed by the 2nd respondent in his proceedings in O.Mu.A2/5970/2017 dated 13.11.2017 and proceedings in Pa.Mu.(A2)5386/2018 dated 26.09.2018 with regard to removal of the encroachment made on the cart track by the 4th respondent on the lands in Prancherry Village, Survey Nos.699/2, 752, 753/2 and 754/3 situated at Manoor Taluk, Tirunelveli District based on the petitioner's representation dated 24.09.2019.



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2. The petitioner herein had given a representation to the respondents 1 to 3 on 24.09.2019 to remove the encroachments alleged to have been made by the fourth respondent in the subject lands. 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 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 his 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



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petitioner and the fourth 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.

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

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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Tirunelveli District,
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