



W.P.(MD).No.182 of 2019

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**

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P.Murugesan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai West Taluk,
Madurai.

3.The Block Development Officer,
Thiruparankundram Panchayat Union,
Madurai District.

4.The Executive Officer,
Karadipatti Village, Panchayat,
Nagamalaipudukottai,
Madurai.

5.V.Sadhasivam

... 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 5th respondent in the 20 feet width east to west



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pathway measuring 2600 Sq.ft and on the 20 feet width South to North pathway measuring 1000 Sq.ft having Re-survey No.34/2C, Re-Survey No34/2c1, Re-Survey No.34/2b2 of Karadipatti Village, Madurai South Taluk, Madurai District located on the 11th street, Bharathiyar Nagar, Karadipatti Village Panchayat, Madurai South Taluk, Madurai District.

For Petitioner : Mr.G.Karnan

For R-1 to R-3 : Mr.J.Ashok

Additional Government Pleader

For R-4 : No appearance

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the 20 feet width east to west pathway measuring 2600 Sq.ft and on the 20 feet width South to North pathway measuring 1000 Sq.ft having Re-survey No. 34/2C, Re-Survey No34/2c1, Re-Survey No.34/2b2 of Karadipatti Village, Madurai South Taluk, Madurai District located on the 11th street, Bharathiyar Nagar, Karadipatti Village Panchayat, Madurai South Taluk, Madurai District.

2. The petitioner herein had given a representation to the first respondent on 03.09.2018 to remove the encroachment alleged to have been made by the fifth respondent in the public pathway. Since the said representation was not considered, the present Writ Petition has been filed.



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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 petitioner and the fifth 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.



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5. With the above direction, this Writ Petition stands disposed of. There

shall be no order as to costs.

(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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