



WP(MD). No.12486 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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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L.Rajathurai,

... Petitioner

Vs

1. The District Collector,
Kanyakumai District, Nagercoil.

2. The Commissioner,
Nagercoil Municipal Corporation,
Nagercoil and Post, Kanyakumai District.

3. The Executive Engineer,
TWAD Board (Urban), Nagercoil and Post,
Kanyakumar District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to remove encroachments made in public road at Yesuvadian Street and WCC Road thereby to allow the free flow of rainwater at Sy.No. E9/76 at Nagercoil Village, Kanyakumari District vide the petitioner's representation dated 04.06.2021.

For Petitioner : M/s.Saravanan.D,
For Respondent : Mr.S.Shaji Bino
Special Government Pleader



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ORDER

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(Order of the Court was made by M.S.RAMESH, J.)

Heard both sides and perused the materials available on record.

2. The petitioner herein had given a representation to the official respondents on 04.06.2021 to remove the encroachments made in Survey No.E9/76 at Nagercoil Village, Kanyakumari District. 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.



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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 as well as to any other persons, 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.

[M.S.R.,J] [A.D.M.C.,J]
11.12.2024

NCC : Yes/No
Index : Yes/No
RR

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