



WP(MD). No.26420 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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M. Ponnusamy

... Petitioner

Vs

**1. The District Collector,
Madurai District,
Collectorate Building,
Madurai District..**

**2. The Tahsildar,
Madurai North Taluk,
Collectorate Building,
Madurai District..**

**3. The Block Development Officer,
Madurai West Panchayath Union,
Madurai District..**

**4. Abdul Salam,
S/o.Sikkanthar,
Kumaran Street,
Thenur Post,
Samayanallur Via,
Madurai District..**



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5. Kursidha Begum,
W/o.Abdul Salam,
Kumaran Street,
Thenur Post,
Samayanallur Via,
Madurai District..

6. M.Chokkanathan,
S/o.P.Muthukrishanan,
2/121, Kumaran Street,
Thenur Post,
Samayanallur Via,
Madurai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents No. 1 to 3 to remove the encroachment made by the respondents No. 4 to 6 in R.S. No. 239/17 in Thenur II Bit Village, Madurai North Taluk, Madurai District, as per the proceedings of the 2nd respondent in Na.Ka.No. 1964/2023/Aa5 dated 27.06.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : M/s.Dhana Law Associates
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2. This writ petition has been filed for a mandamus to direct the respondent Nos. 1 to 3 to remove the encroachment made by the respondents No. 4 to 6 in R.S. No. 239/17 in Thenur II Bit Village, Madurai North Taluk, Madurai District, as per the proceedings of the 2nd respondent in Na.Ka.No. 1964/2023/Aa5 dated 27.06.2023 within a stipulated time that may be fixed by this Court.

3. Since this Court is directing the respondents 1 to 3 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4. The petitioner herein had given a representation to the 1st respondent on 14.06.2024 to remove the encroachments alleged to have been made by the respondents 4 to 6. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

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 him to



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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.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 14.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 to 6 herein, as well as all other persons, who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order. 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/s to consider the same on its own merits.



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6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

04.11.2024

NCC : Yes/No

Index : Yes/No

RR

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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

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