



WP(MD). No.13680 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**

**WP(MD). No.13680 of 2021
and WMP(MD) No.10621 of 2021**

L.Sinthuja,

... Petitioner

Vs

1. The District Collector,
Thoothukudi District.

2. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3. The Tahsildar,
Tiruchendur Taluk, Thoothukudi District.

4. The Block Development Officer,
Alwarthirunagari Panchayat Union,
Thoothukudi District.

5. Shobia,
The Panchayat President/Executive Officer,
Punnaikayal Panchayat,
Tiruchendur Taluk,
Thoothukudi District.

6. P.Kevin

... Respondents



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PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus by directing the 3rd respondent to remove the encroachment put up by the 6th respondent in the form of an ongoing construction in a public pathway namely South Street, Punnaikayal Village, Tiruchendur Taluk, Thoothukudi District in the light of his findings referred to in his communication in Na.Ka.Aa1/2124/2021 dated 08.07.2021 and in the light of the letter issued by the 4th respondent in A3/2649/2021 dated 15.07.2021 and on the basis of the petitioner's representation dated 21.07.2021 as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : M/s.Anand.R

For Respondent : M/s. P.Thilak Kumar,

Government Pleader for R1 to R3

M/s. B.Saravanan for R4

R5 & R6 : No Appearance

ORDER

(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 21.07.2021 to remove the encroachment put up by the 6th respondent in the form of an ongoing construction in a public pathway



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namely South Street, Punnaikayal Village, Tiruchendur Taluk, Thoothukudi 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.

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 her 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,



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after giving due opportunity to the petitioner and the private respondent 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. Consequently connected Miscellaneous Petition is closed.

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

NCC : Yes/No
Index : Yes/No
RR



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