



W.P.(MD).No.14292 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.14292 of 2021

A.Mani

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil - 629001.

2.The Tahsildar,
Killiyoor Taluk,
Killiyoor Post - 629187,
Kanyakumari District.

3.The Palapallam Town Panchayat,
Rep. by its Executive Officer,
Palapallam Post 629159,
Kanyakumari District.

4.M.Devaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment namely wall erected up by the 4th respondent across the newly formed road by spending public fund in R.S.Nos.9/2, and 9/10 in between



W.P.(MD).No.14292 of 2021

R.S.Nos.9/20, 18, 17, 16, 14, 9, 13, 8, 4, 3, 12, 11A and 11B of Keezhmidalam “A” Village, Killiyoor Taluk, Kanyakumari District, by considering the representation dated 10.05.2019.

For Petitioner : Mr.T.Antony Arulraj
For R-1 to R-3 : Mr.P.Thilak Kumar
Government Pleader
For R-4 : Mr.C.K.M.Appaji

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 3 to remove the encroachment namely wall erected up by the 4th respondent across the newly formed road by spending public fund in R.S.Nos.9/2, and 9/10 in between R.S.Nos.9/20, 18, 17, 16, 14, 9, 13, 8, 4, 3, 12, 11A and 11B of Keezhmidalam “A” Village, Killiyoor Taluk, Kanyakumari District, by considering the representation dated 10.05.2019.

2. The petitioner herein had given a representation to the respondents 1 to 3 on 10.05.2019, to remove the encroachment alleged to have been made by the fourth respondent in the public road. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD).No.14292 of 2021

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 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.



W.P.(MD).No.14292 of 2021

WEB COPY

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

1.The District Collector,
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Nagercoil - 629001.

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3.The Executive Officer,
The Palapallam Town Panchayat,
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W.P.(MD).No.14292 of 2021

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W.P.(MD).No.14292 of 2021

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