



W.P.(MD).No.14529 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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Krishnamoorthy

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Eluppur Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
Viralimalai Panchayat,
Viralimalai, Pudukkottai District.
- 5.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.



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6.The President,
Viralimalai Panchayat,
Pudukkottai District.

7.Ayyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the flex board erected by the Veerasaiva Pandara Peravai/7th respondent in front of S.F.Nos.179, 180/3, 180/6 of Viralimalai Village, and consequently direct the respondents 1 to 6 to forbear the 7th respondent and his men from converting the aforesaid lands as burial ground.

For Petitioner : Mr.R.Paranjothi
For R-1 to R-6 : Mr.S.Shaji Bino
Special Government Pleader
For R-7 : No appearance

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 6 to remove the flex board erected by the Veerasaiva Pandara Peravai/7th respondent in front of S.F.Nos.179, 180/3, 180/6 of Viralimalai Village and consequently, direct the respondents 1 to 6 to forbear the 7th respondent and his men from converting the aforesaid lands as burial ground.



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2. The petitioner herein had given a representation to the respondents 1 to 6 on 31.07.2021, to remove the flex board erected by the seventh respondent in front of S.F.Nos.179, 180/3, 180/6 of Viralimalai Village. 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 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



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petitioner and the seventh 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.

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,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Eluppur Taluk,
Pudukkottai District.

3.The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.



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4. The Block Development Officer,
Viralimalai Panchayat,
Viralimalai, Pudukkottai District.

5. The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

6. The President,
Viralimalai Panchayat,
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A.D.MARIA CLETE,J.

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