



W.P.(MD).No.15283 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.12.2024

CORAM

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

W.P.(MD).No.15283 of 2020

Kannadasan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Thuraiyur Taluk,
Trichy District.

3.The Tahsildar,
Thuraiyur,
Trichy District.

4.Ramar,
Panchayat Clerk,
Muthaiyapalayam Village,
Thuraiyur Taluk, Trichy District.

5.Murugesan

6.Neelamegam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent to consider the



W.P.(MD).No.15283 of 2020

petitioner's representation dated 24.01.2020 requesting the 3rd respondent to remove the temple constructed by the respondents 4 to 6 herein encroaching the “Sarkar Poromboke Passage” in S.No.129/40 measuring 0.06.75 Sq. Mt situated at Ammapatti Village, Thuraiyur Taluk, Trichy District within a time limit fixed by this Court.

For Petitioner : Mr.T.K.Gopalan
For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader
For R-4 to R-6 : Mr.N.Anandakumar

ORDER

This Writ Petition has been filed for Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 24.01.2020, requesting the 3rd respondent to remove the temple constructed by the respondents 4 to 6 herein encroaching the “Sarkar Poromboke Passage” in S.No.129/40 measuring 0.06.75 Sq. Mt situated at Ammapatti Village, Thuraiyur Taluk, Trichy District within a time limit fixed by this Court.

2. The petitioner herein had given a representation to the respondents 1 to 3 on 24.01.2020 to remove the temple constructed by the respondents 4 to 6 herein encroaching the “Sarkar Poromboke Passage” in S.No.129/40 measuring 0.06.75 Sq. Mt situated at Ammapatti Village, Thuraiyur Taluk, Trichy District.



W.P.(MD).No.15283 of 2020

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 petitioner and the respondents 4 to 6, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the



W.P.(MD).No.15283 of 2020

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.)
17.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
Trichy District,
Trichy.
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Thuraiyur Taluk,
Trichy District.
- 3.The Tahsildar,
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W.P.(MD).No.15283 of 2020

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W.P.(MD).No.15283 of 2020

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