



W.P.(MD).No.15459 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.15459 of 2020

Thiyagarajan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

3.Ponnamaravathi Town Panchayat,
Represented by its Executive Officer,
Ponnamaravathi - 622 407,
Pudukkottai District.

4.The Correspondent,
S.V.S. Kalasalai School,
S.V.S. Kalasalai Road,
Ponnamaravathi,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st and 2nd respondents to remove the



W.P.(MD).No.15459 of 2020

encroachment made by the 4th respondent at Ka.Sa.Oorani Keezhaveethi Public Road comprised in Survey Nos.194, 206, 209, 216 and 217 of Ponnamaravathi Town Panchayat, Pudukkottai District by considering the petitioner's representation dated 21.09.2020 within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Balakrishnan
For R-1 to R-3 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R-4 : Mr.M.Ramarathinam

ORDER

This Writ Petition has been filed for Mandamus, directing the 1st and 2nd respondents to remove the encroachment made by the 4th respondent at Ka.Sa.Oorani Keezhaveethi Public Road comprised in Survey Nos.194, 206, 209, 216 and 217 of Ponnamaravathi Town Panchayat, Pudukkottai District by considering the petitioner's representation dated 21.09.2020 within a time frame that may be fixed by this Court.

2. The petitioner herein had given a representation to the official respondents on 21.09.2020 to remove the encroachments 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.15459 of 2020

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 fourth respondent, 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.15459 of 2020

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,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

3.The Executive Officer,
Ponnamaravathi Town Panchayat,
Ponnamaravathi - 622 407,
Pudukkottai District.



WEB COPY



W.P.(MD).No.15459 of 2020

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

Lm

W.P.(MD).No.15459 of 2020

17.12.2024