



W.P.(MD).No.15792 of 2021

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.15792 of 2021
and
W.M.P.(MD).No.12723 of 2021

P.Neelavathi

... Petitioner

Vs.

- 1.The District Collector,
Collectors Office,
Raja Colony,
Trichy District.
- 2.The Commissioner,
Thottiyam Panchayat Union Office,
Thottiyam Taluk and Block,
Trichy District.
- 3.The Thasildar,
Salem Main Road,
Thottiyam Taluk and Block,
Trichy District.
- 4.The Block Development Officer,
Thottiyam Taluk and Block,
Trichy District.
- 5.The Firka Surveyor,
Thottiyam Taluk and Block,
Trichy District.



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6.The Village Administrative Officer,
Kolakudi Village,
Thottiyam, Trichy District.

7.The President,
Kolakudi Panchayath Board,
Kolakudi Village, Thottiyam,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to remove the existing pipe lines and not to further encroach by laying road into the petitioner's property in Survey No.80/5B situated at Kolakudi Village, Thottiyam Taluk, Trichy District, as requested in representation dated 14.10.2019.

For Petitioner : Mr.Chamundi Bose

For R-1 to R-6 : Mr.J.Ashok

Additional Government Pleader

For R-7 : No appearance

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents to remove the existing pipe lines and not to further encroach by laying road into the petitioner's property in Survey No.80/5B situated at Kolakudi Village, Thottiyam Taluk, Trichy District, as requested in representation dated 14.10.2019.



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2. The petitioner's son had given a representation to the fourth respondent on 14.10.2019, to remove the existing pipe lines and not to further encroach by laying road into the petitioner's property. 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, after giving due opportunity to the



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petitioner 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. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

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

To

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