



W.P.(MD).No.18251 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.18251 of 2020

Thangarasu

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Pudukottai District.
- 2.The Assistant Director (Panchayat),
Pudukottai,
Pudukottai District.
- 3.The Block Development Officer,
Village Panchayat (Incharge),
Pudukottai District.
- 4.The Tahsildar,
Pudukottai,
Pudukottai District.

5.Inthumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent to take necessary action and remove the encroachment based on the communication of the 2nd respondent dated 07.08.2020 in ஓ.மு.2677/2020/அ5(உள).



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For Petitioner : Mr.Subash Babu
For R-1 to R-4 : Mr.P.Thilak Kumar
Government Pleader
For R-5 : Mr.R.Balakrishnan

ORDER

This Writ Petition has been filed for Mandamus, directing the 3rd respondent to take necessary action and remove the encroachment based on the communication of the 2nd respondent dated 07.08.2020.

2. The petitioner herein had given a representation to the respondents 1 to 4 on 10.03.2020 to remove the encroachments alleged to have been made by the fifth respondent in the public pathway. 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



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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 fifth 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.

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



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

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