



W.P.(MD)No.18157 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.18157 of 2019

and

W.M.P.[Md]Nos.14604 & 14605 of 2019

M.Manoharan

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St. George,
Chennai.

2.The District Collector,
Sivagangai District,

3.The Public Works Department,
Rep. by its Executive Engineer,
O/o. The Executive Engineer,
Sivagangai District, Sivagangai.



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4.The Assistant Engineer,

O/o. The Assistant Engineer,
The Public Works Department,
Kalaiyarkovil,
Sivagangai District.

5.The Revenue Divisional Officer,

O/o. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai District.

6.The Tahsildar,

Kalaiyarkovil Taluk,
Sivagangai District.

7.Kalaiyar Kovil Police Station,

Rep. by the Inspector of Police,
Kalaiyar Kovil, Kalaiyarkovil Taluk,
Sivagangai District.

8.Maranthai Kanmai Pasana Vivasaygal Sangam,

Rep. by its President,
M.Thiruvassagam,
Maranthai,
Ilayankudi Pudhur Via,
Kalaiyar Kovil Taluk,
Sivagangai District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 1 to 4 from demolishing the bund and diverting the surplus water to Maranthai Kanmai without supplying water to the Tharuthalai Kanmai in S.No.114/2 Tharuthalai Village, Kalaiyarkovil Taluk, Sivagangai District, within the time frame stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar
For Respondents 1 to 6	: Mr.P.Thilak Kumar, Government Pleader
For Respondent No.7	: Mr.M.Vaikkam Karunanithi Government Advocate [Crl. Side]

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

Heard both sides and perused the materials available on record.

2.The petitioner herein had given a representation to the official respondents on 03.08.2019, for the aforesaid relief. Since the said representation was not considered, the present Writ Petition has been filed.



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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 private respondents, 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



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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.]

13.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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- 3.The Executive Engineer,
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O/o. The Executive Engineer,
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- 4.The Assistant Engineer,
O/o. The Assistant Engineer,
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5.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
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Sivagangai District.

6.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

7.The Inspector of Police,
Kalaiyar Kovil Police Station,
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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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