



W.P.(MD).No.18487 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2024

CORAM

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

W.P.(MD).No.18487 of 2021

R.Tamilarasan

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.
- 3.The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Pattamangalam Street,
Myladuthurai Town and District .
- 5.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur Main Road,
Kumbakonam, Thanjavur District.



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6.The Executive Officer,
Arulmigu Somanatha Swamy @
Banapureeswarar Swamy Temple,
Banathurai, Kumbakonam,
Thanjavur District.

7.Banathurai High School,
Rep. by its Secretary,
Banathurai West Street,
Kumbakonam,
Thanjavur District.

8.Murugesan

9.Viswanathan

10.Venkatachalam

11.K.Baskar

12.Selvaraj

13.Vijaya

14.Chandra

15.Kunjammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the encroachments committed by the respondents 7 to 15 in T.S.Nos.160, 161, 162, 159/1 and in public pathway dedicated and used by public to an extent of 64' X 14' in T.S.No.159/1 which are situated at Banathurai Pathukattu Street, Kumbakonam (as observed the decree and judgment passed in O.S.No.75/1995 on the file of Additional District Munsif Court, Kumbakonam dated



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29.03.2001), on the basis of the representation dated 06.01.2021 given by the petitioner to the respondents 4, 5 and 6, on the basis of representation given by petitioner to the 3rd respondent dated 11.01.2021, on the basis of the representation given by the petitioner to the 2nd respondent dated 10.03.2021, as per the proceedings of 3rd respondent in Na.Ka.No.46/2021/D1 dated 29.06.2021 and as per the proceedings of the 1st respondent addressed to the 3rd respondent and copy marked to the 2nd respondent in Na.Ka.No.A2/210/2021 dated 31.05.2021 within the time to be stipulated by this Court.

For Petitioner : Mr.R.Alagia Nambi
For R-1 to R-5 : Mr.S.Shaji Bino
Special Government Pleader
For R-6, R-8 : Mr.V.Chandrasekar
to R-10
For R-7 : Mr.G.Gomathi Shankar

ORDER

This Writ Petition has been filed for Mandamus, directing the respondents 1 to 6 to remove the encroachments committed by the respondents 7 to 15 in T.S.Nos.160, 161, 162, 159/1 and in public pathway dedicated and used by public to an extent of 64' X 14' in T.S.No.159/1, which are situated at Banathurai Pathukattu Street, Kumbakonam (as observed in the decree and judgment passed in O.S.No.75/1995 on the file of Additional District Munsif Court, Kumbakonam dated 29.03.2001), on the basis of the representation



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dated 06.01.2021 given by the petitioner to the respondents 4, 5 and 6, on the basis of representation given by petitioner to the 3rd respondent dated 11.01.2021, on the basis of the representation given by the petitioner to the 2nd respondent dated 10.03.2021, as per the proceedings of 3rd respondent in Na.Ka.No.46/2021/D1 dated 29.06.2021 and as per the proceedings of the 1st respondent addressed to the 3rd respondent and copy marked to the 2nd respondent in Na.Ka.No.A2/210/2021 dated 31.05.2021 within the time to be stipulated by this Court.

2. The petitioner herein had given a representation to the official respondents on 10.03.2021 to remove the encroachment alleged to have been made by the respondents 7 to 15 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 the respondents 7 to 15 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.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

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