



W.P(MD)No.24736 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM :

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

W.P(MD)No.24736 of 2024

P.Poovayee

... Petitioner

vs.

1. The District Collector / Monitoring Committee,
Trichy,
Trichy District.

2. The District Revenue Officer,
Collectorate,
Trichy.

3. The Revenue Divisional Officer,
Collectorate Office,
Trichy.

4. The Tahsildar,
Thuraiyur Taluk,
Trichy District.

5. P. Perumal

6. Sakthi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider and dispose of the petitioner's representation dated 22.05.2024 upon the direction



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issued by the 1st respondent vide his proceedings in Na.Ka.No.A1/26906/2024 dated 25.06.2024 within a stipulated time period as fixed by this Hon'ble Court.

For Petitioner : Ms.B.Deepa
For R1 to R4 : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the respondents 1 to 4 to consider and dispose of the petitioner's representation dated 22.05.2024, upon the direction issued by the 1st respondent vide his proceedings in Na.Ka.No.A1/26906/2024, dated 25.06.2024, within a time frame.

2. The learned counsel appearing for the petitioner would submit that the petitioner has purchased 13 cents of land in Survey No.227/6 in Okkarai Village, Thuraiyur Taluk, Trichy District, and there are four co-owners in respect of the property in the said survey number. He would further submit that Survey Nos.227/6A and 227/6B are common pathway for all the co-owners of the property for ingress and egress to their properties. While so, the 5th respondent, who is the adjacent land owner, prevented the petitioner from using the common pathway and he has also filed a civil suit against all the co-owners



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for temporary injunction in respect of the common pathway and that the same is pending. The petitioner made a representation dated 22.05.2024 to the official respondents, seeking to take appropriate action against the private respondents and enable the petitioner to access the common pathway. Pursuant thereto, the 1st respondent vide proceedings dated 25.06.2024, directed the respondents 3 and 4, to take appropriate action on the petitioner's representation. Even thereafter, since no action was taken on his representation, the petitioner has filed the present writ petition.

3. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the official respondents. Despite service of notice and the names are being shown in the cause list, the private respondents have not chosen to appear either by themselves or through counsel.

4. 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



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extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the official respondents herein, to consider the petitioner's representation dated 22.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondents as well as all other persons, who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order. 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 respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
20.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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