



W.P.(MD)No.18583 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.18583 of 2021

A.Pushpabai

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay & Post,
Kanyakumari District.

3.The Tashildar,
Kalkulam Taluk,
Thuckalay & Post,
Kanyakumari District.

4.K.Jayasingh

: Respondents



W.P.(MD)No.18583 of 2021

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent for considering the representation of the petitioner dated 02.09.2021, and take actions against the fourth respondent for removing the compound wall and evict him from the purampoke land in Survey No.166 of Authivilai Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.J.John Jayakumar

For Respondents 1 to 3 : Mr.J.Ashok

Additional Government Pleader

For Respondent No.4 : Mr.T.Wins

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 02.09.2021, to remove the encroachment in the aforesaid survey number. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD)No.18583 of 2021

WEB COPY

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



W.P.(MD)No.18583 of 2021

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

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.18583 of 2021

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay & Post,
Kanyakumari District.

3.The Tashildar,
Kalkulam Taluk,
Thuckalay & Post,
Kanyakumari District.



WEB COPY



W.P.(MD)No.18583 of 2021

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

MR

ORDER MADE IN
W.P.(MD)No.18583 of 2021

11.12.2024