



W.P.(MD).No.20004 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.20004 of 2020

S.Amaladass

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Dindigul District.

2.The Tahsildar,
Dindigul East,
Dindigul District.

3.The Block Development Officer,
Block Development Office,
Sannarpatti,
Dindigul District.

4.T.Vellaikutti

5.Balu @ Selvakangan

6.Manikandan

7.Parvathee

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the respondents 1 to 3 to remove the



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encroachment made in common pathway by the respondents 4 to 7 in Survey No.600/8B to access to the petitioner's residence in Nochiodaipatti, Koovanuthu Village, Dindigul East Taluk, pursuant to the petitioner representation dated 21.09.2020.

For Petitioner : Mr.V.Illanchezian
For R-1 & R-2 : Mr.J.Ashok
Additional Government Pleader
For R-4 to R-6 : Mr.T.Vadivelan
For R-7 : Mr.J.Lawrence

ORDER

This Writ Petition has been filed for Mandamus to direct the respondents 1 to 3 to remove the encroachment made in common pathway by the respondents 4 to 7 in Survey No.600/8B to access to the petitioner's residence in Nochiodaipatti, Koovanuthu Village, Dindigul East Taluk, pursuant to the petitioner's representation dated 21.09.2020.

2. The petitioner herein had given a representation to the respondents 1 to 3 on 21.09.2020 to remove the encroachments alleged to have been made by the respondents 4 to 7 in the common pathway. 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 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.



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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

To

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A.D.MARIA CLETE,J.

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