



W.P.(MD)No.22366 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.22366 of 2024

M.Vimala

: Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Thanjavur District.
- 2.The Revenue Divisional Officer /
Monitoring Committee,
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.
- 3.The Block Development Officer,
Block Development Office,
Kumbakonam,
Thanjavur District.



W.P.(MD)No.22366 of 2024

4.The Tahsildar,
Tahsildar Office,
Kumbakonam,
Thanjavur District.

5.Siva

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations dated 25.11.2021, 28.03.2024 and 13.06.2024 to remove the encroachment made in public pathway by the fifth respondent constructed Tin Sheet and using own purpose the common pathway is situated in Survey No.177/23 at Sathangudi Village, Agarathur Panchayat, 13, Agarathur Circle, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.T.R.Subramanian

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader



W.P.(MD)No.22366 of 2024

ORDER

WEB COPY

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

This writ petition has been filed for a Mandamus to direct the respondents 1 to 4 to consider the petitioner's representations dated 25.11.2021, 28.03.2024 and 13.06.2024, to remove the encroachment made in public pathway by the fifth respondent by constructing a Tin Sheet and using it as his own pathway situated in Survey No.177/23 at Sathangudi Village, Agarathur Panchayat, 13, Agarathur Circle, Kumbakonam Taluk, Thanjavur District.

2.Since this Court is directing the official respondents to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

3.The petitioner herein had given representations to the respondents 1 to 4 on 25.11.2021, 28.03.2024 and 13.06.2024, to remove the encroachments alleged to have been made by the fifth respondent. Since the said representations were not considered, the present writ petition has been filed.



W.P.(MD)No.22366 of 2024

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 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 respondents herein to consider the petitioner's representations dated 25.11.2021, 28.03.2024 and 13.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fifth respondent herein, as well as all other persons, who may be interested in the subject property, within a period of three [3] months 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.



W.P.(MD)No.22366 of 2024

WEB COPY

6.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.]

11.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.22366 of 2024

To

- 1.The District Collector,
Collectorate,
Thanjavur District.
- 2.The Revenue Divisional Officer /
Monitoring Committee,
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.
- 3.The Block Development Officer,
Block Development Office,
Kumbakonam,
Thanjavur District.
- 4.The Tahsildar,
Tahsildar Office,
Kumbakonam,
Thanjavur District.



WEB COPY



W.P.(MD)No.22366 of 2024

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

MR

ORDER MADE IN
W.P.(MD)No.22366 of 2024

11.11.2024