



W.P(MD)No.24767 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.24767 of 2024

M.Sonai

... Petitioner

vs.

1. The Commissioner / District Monitoring Committee,
Madurai City Corporation,
Madurai.

2. The Assistant Commissioner,
Madurai East Zone – I,
Madurai City Corporation.

3. The Tahsildar
Madurai East Taluk,
Madurai District.

4. Shanthi

5. Mookammal

6. Parvathi

7. Janaki

8. Thalaiyammal

... Respondents

Prayer : 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 encroachments put up by the respondents 4 to 8 in S.No.6/1 situated at



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Ulaganeri Village, Madurai East Tauk, Madurai City Corporation i.e., "Parai Square Lane" / Government land by considering the petitioner's representation dated 06.08.2024 within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.Rajesh
For R1 & R2 : Mr.K.K.Kannan
For R3 : Mr.P.Thilakkumar, Government Pleader
For R6 : Mr.K.Sankar
For R7 : Mr.S.Baskar Mathuram
For R8 : Mr.T.Indrachithu

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 3, to remove the encroachments put up by the respondents 4 to 8 in S.No.6/1 situated at Ulaganeri Village, Madurai East Tauk, Madurai City Corporation i.e., "Parai Square Lane" / Government land, by considering the petitioner's representation dated 06.08.2024, within a time frame as may be fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a resident of Ulaganeri Village, Madurai East Tauk. According to him, Survey No.6/1 in Ulaganeri Village, Madurai East Tauk, is a lane classified as Government poramboke land in the revenue records and that the



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said land is used by the villagers for ingress and egress for so many decades.

While so, the respondents 4 to 8 have encroached upon the said lane and put up thatched sheds and constructed houses. Though the petitioner made repeated representations and the last of which dated 06.08.2024, no steps were taken by the official respondents to remove the encroachment made by the private respondents. Hence, this writ petition.

3. Heard both sides.

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 official respondents herein, to consider the petitioner's representation dated



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06.08.2024, 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 three 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.

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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1. The Commissioner / District Monitoring Committee,
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Madurai East Taluk,
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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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