



W.P.(MD).No.22923 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.22923 of 2018
and
W.M.P.(MD).No.20825 of 2018

S.Sivakumar

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Natham Taluk,
Dindigul District.
- 3.The Commissioner,
Natham Panchayat Union,
Natham,
Dindigul District.
- 4.Vijayakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the 3rd respondent from constructing a compound wall in Survey No.791 Punnapatti Village situated at Northern side of the Panchayat Union Middle School, Punnapatti, Natham Taluk, Dindigul



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District is being used as pathway, pursuant to the undertaking given by the petitioner and 4th respondent and others in the Peace Committee Meeting dated 23.12.2015.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader
For R-4 : M/s.N.Juliet Latha

ORDER

This Writ Petition has been filed for Mandamus, forbearing the 3rd respondent from constructing a compound wall in Survey No.791, Punnapatti Village situated at Northern side of the Panchayat Union Middle School, Punnapatti, Natham Taluk, Dindigul District, which is being used as pathway, pursuant to the undertaking given by the petitioner and 4th respondent and others in the Peace Committee Meeting dated 23.12.2015.

2. The petitioner herein had given a representation to the first respondent on 15.10.2018 to stop the construction of compound wall in the 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 fourth respondent herein, 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. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

3.The Commissioner,
Natham Panchayat Union,
Natham,
Dindigul District.



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and
A.D.MARIA CLETE,J.

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