



WP(MD). No.24210 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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Moorthy

... Petitioner

Vs

1. The District Collector,
Karur District,
Karur.

2. The District Revenue Officer,
Karur District,
Karur.

3. The Revenue Divisional Officer,
Karur Division, Karur.

4. The Block Development Officer,
Karur Union Panchayat,
Karur District.

5. The Tahsildar,
Manmangalam Taluk,
Pugalur, Karur District.

6. The Village Administrative Officer,
Kuppuchipalaym Revenue Village,
Karur District.

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7. Chinnasamy,
S/o.Ramasamy,
Kirayur, Vangal
Kuppuchipalayam,
Manmangalam Taluk,
Karur District.

8. Anjithkumar,
S/o.Chinnasamy,
Kirayur, Vangal
Kuppuchipalayam,
Manmangalam Taluk,
Karur District.

9. Banumathi,
S/o.Chinnasamy,
Kirayur, Vangal
Kuppuchipalayam,
Manmangalam Taluk,
Karur District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st to 6th respondents to remove the encroachment made by the 7th to 9th respondents in S.F.No. 132 in Kuppuchipalayam Village, Manmangalam Taluk, Karur District on the basis of the representation dated 24.06.2024 submitted on Grievance Day to the 1st respondent.

For Petitioner : Mr.J.Sathiaraj
For Respondents : Mr.P.Thilak Kumar for R1 to R6
Government Pleader
Mr.N.Anandakumar for R7 to R9



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ORDER

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(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the respondents 7 to 9, notice to them is dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 9 in S.F.No. 132 in Kuppuchipalayam Village, Manmangalam Taluk, Karur District on the basis of the representation dated 24.06.2024 submitted on Grievance Day to the 1st respondent.

4. Alleging that the respondents 7 to 9 have made encroachments in S.No.132, the petitioner herein had given a representation to the respondents 1 to 6 on 24.06.2024 to remove the same. Since the said representation was not considered, the present writ petition has been filed.

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5. 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.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 6 herein to consider the petitioner's representation dated 24.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and other private respondents as well as other persons with regard to 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.



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7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

13.11.2024

NCC : Yes/No

Index : Yes/No

RR

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ORDER
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