



W.P(MD)No.25569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.25569 of 2024

P.Saktivel

... Petitioner

vs.

1. The District Collector,
Collectorate,
Tirunelveli.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Tirunelveli District.

3. Tahsildar,
Manur Taluk,
Tirunelveli District.

4. The Block Development Officer,
Manur,
Tirunelveli District.

5. The Panchayath President,
Thalaiyuthu Panchayath,
Manur union & Taluk,
Tirunelveli District.



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6. The Panchayath President,
Thenkalam Panchayath,
Manur union & Taluk,
Tirunelveli District.

7. The Clean Tech Solar India Pvt Ltd.,
Rep by its operation manager,
Pillaiyarkulam Village,
Manur Taluk, Tirunelveli District.

8. The CSE Solar Sunpark Tamil Nadu Pvt Limited,
Rep by its operation manager,
Pillaiyarkulam Village,
Manur Taluk, Tirunelveli District.

9. Hexis Renewable Energy Pvt Ltd.,
Rep by its operation manager,
9/756, Kathiravan nagar,
Naranammalpuram,
Manur Taluk,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1-6 to remove the illegal encroachments made by the 7-9th respondents on the Cart-track running in Thalaiyuthu Village Survey Nos.215, 214, 208, 289, 288, 287, 163, 185, 183, 184, 182, 172, 173, 180, 179, 178, 181, 206, 205, 204, 201, 202, 198, 196, 209, 189, 188, 187 and also private Patta lands belongs to the villagers situated at Thenkalam in Thalaiyuthu Village, Manur Taluk, Tirunelveli District, by conducting proper survey by the team of surveyors, on the basis of various representations of the villagers, within a period of time that may be fixed by this Court.



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For Petitioner : Mr.S.Siva Ilayaraja
For R1 to R4 : Mr.P.Thilakkumar, Government Pleader
For R5 & R6 : No appearance
For R7 to R9 : Mr.H.Lakshmi Shankar

ORDER

(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. This writ petition has been filed for a Mandamus, directing the respondents 1 to 6 to remove the illegal encroachments made by the respondents 7 to 9 on the cart track running in Thalaiyuthu Village Survey Nos.215, 214, 208, 289, 288, 287, 163, 185, 183, 184, 182, 172, 173, 180, 179, 178, 181, 206, 205, 204, 201, 202, 198, 196, 209, 189, 188, 187 and also private patta lands belong to the villagers situate at Thenkalam in Thalaiyuthu Village, Manur Taluk, Tirunelveli District, by conducting proper survey by the team of surveyors, on the basis of various representations of the villagers, within a time frame.



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3. Alleging that the private respondents have encroached upon the cart track in the abovesaid survey numbers and also fenced the patta lands of the villagers in order to erect solar power plants in the midst of the agricultural lands, without even obtaining approval from the competent authorities, the petitioner made several representations to the respondents, the last of which dated 29.07.2024, and finding inaction on the part of the officials to remove the abovesaid encroachment, he has filed the present writ petition.

4. Heard both sides.

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.



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6. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 29.07.2024, 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.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Neutral Citation : Yes / No
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(M.S.R, J.) (A.D.M.C, J.)
26.11.2024



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

bala

To

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6. The Panchayath President,
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ORDER MADE IN
W.P(MD)No.25569 of 2024
DATED : 26.11.2024