



W.P(MD)No.24318 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.24318 of 2024

A.Ramasubbu

... Petitioner

vs.

1. The District Collector,
Tuticorin

2. The Assistant Director of Panchayats,
Tuticorin.

3. The Block Development Officer,
Kovilpatti,
Tuticorin.

4. The President,
Villicheri Village Panchayat,
Kovilpatti Taluk,
Tuticorin.

5. S.Palanichamy

6. S.Muthulakshmi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 16.05.2024 and remove the encroachment



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made in S.No.22/3C, Villicheri Part-II Village, Kovilpatti Taluk, Tuticorin District.

For Petitioner : Mr.H.Arumugam
For R1 to R4 : Mr.P.Thilakkumar, Government Pleader
For R5 & R6 : Mr.S.Ponsenthilkumaran

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 4 to consider the representation of the petitioner dated 16.05.2024 and remove the encroachment made in S.No.22/3C, Villicheri Part-II Village, Kovilpatti Taluk, Tuticorin District.

2. The learned counsel appearing for the petitioner would submit that one Perumal son of Veerappa Naicker, executed a gift deed in respect of 63 cents in S.No.22/3C, Villicheri Part-II Village, Kovilpatti Taluk, Tuticorin District, in favour of the 4th respondent Panchayat, for planting fruit bearing trees. Thereafter, the 4th respondent executed a gift deed dated 29.03.1990, in respect of the said lands, in favour of the Government and subsequently a Primary Health Care Centre is also constructed therein. However, the private respondents have encroached upon the said lands and constructed a house. Even at the time of construction, when the villagers objected and made a



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complaint to the Panchayat, no action was taken. Hence, the petitioner sent a representation dated 16.05.2024, to the official respondents and finding no heed to it was paid, he has filed 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 16.05.2024, 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



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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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To

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and
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ORDER MADE IN
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