



W.P(MD)No.24883 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.24883 of 2024

V.S.V.Jeyaraman

... Petitioner

vs.

1. The District Collector,
Theni District.

2. The Superintendent of Police,
Theni District.

3. The District Revenue Officer,
District Revenue Office,
Theni District.

4. The Revenue Divisional Officer,
Revenue Divisional Office,
Periyakulam, Theni District.

5. The Tahsildar (Monitoring Committee),
Tahsildar Office,
Aundipatty Taluk,
Theni District.

6. State Rep by,
Inspector of Police,
Rajdhani Police Station,
Theni District.



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7. K.Alaguraja @ Jeyakumar

8. A.Vijayalakshmi

9. V.Sivaraman

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachments made by the respondents 7 to 9 in the pathway (Nilavial Padhai) in Survey Nos.607/2 (M.Subbulapuram, Main Road) 607/1, 608/2A, 608/1, 611/1, 612/1, 2, 3, 876/1, 864/1, 2, 863/2, 3 upto 615 at Mottanuthu Village Group, Andipatti Taluk, Theni District, with police protection on the basis of the petitioner's representation dated 14.05.2024 and the report dated 28.08.2024 submitted by the Revenue Inspector, Gandamanur, Theni District.

For Petitioner : Mr.K.Gokul

For R1, R3 to R5 : Mr.J.Ashok

Additional Government Pleader

For R2 & R6 : Mr.P.Kottai Chamy

Government Advocate (Crl.Side)

For R7 to R9 : Mr.S.Srikanth

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.



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2. This writ petition has been filed for a Mandamus, directing the respondents 1 to 6 to remove the encroachments made by the respondents 7 to 9 in the pathway (Nilavial Padhai) in Survey Nos. 607/2 (M.Subbulapuram, Main Road) 607/1, 608/2A, 608/1, 611/1, 612/1, 2, 3, 876/1, 864/1, 2, 863/2, 3 upto 615 at Mottanuthu Village Group, Andipatti Taluk, Theni District, with police protection on the basis of the petitioner's representation dated 14.05.2024 and the report dated 28.08.2024 submitted by the Revenue Inspector, Gandamanur, Theni District.

3. Alleging that the private respondents have encroached upon the abovesaid survey numbers which are classified as Nilavial Padhai, by putting up fencing and gate thereby prevented access to the same by the public, the petitioner made a representation dated 14.05.2024, to the 4th respondent seeking removal of the encroachment, who in turn, directed the 5th respondent to take appropriate action on the petitioner's representation and submit a report. Despite the 5th respondent / Revenue Inspector confirmed the encroachment made by the private respondents in the pathway and attempted to survey the



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pathway in question, the private respondents did not co-operate for the survey. Hence, the petitioner has filed this 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.

6. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 14.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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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.

(M.S.R, J.) (A.D.M.C, J.)
26.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
Theni District.
2. The Superintendent of Police,
Theni District.
3. The District Revenue Officer,



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District Revenue Office,
Theni District.

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4. The Revenue Divisional Officer,
Revenue Divisional Office,
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Tahsildar Office,
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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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DATED : 26.11.2024