



W.P(MD)No.24963 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.24963 of 2024
and
WMP(MD)No.21261 of 2024**

Senthil Kumar

... Petitioner

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Special Tahsildar (Land Acquisition),
Madurai Airport Extension, Unit I,
Office of District Collector,
Madurai.

3. The Special Tahsildar (Land Acquisition),
Madurai Airport Extension, Unit II,
Office of District Collector,
Madurai.

4. The Airport Director,
The Airport Authority of India,
Madurai Airport, Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove



W.P(MD)No.24963 of 2024

the encroachment made by the 4th respondent by constructing compound wall in the public pathway in S.No.34/3 situated at Kusavankundu Village, Madurai South, Madurai District, within a stipulated time fixed by this Hon'ble Court, by considering the representation made by the petitioner on 20.09.2024.

For Petitioner : Mr.T.Antony Arul Raj
For R1 to R3 : Mr.P.Thilakkumar, Government Pleader
For R4 : Mr.C.Godwin

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 to remove the encroachment made by the 4th respondent by constructing compound wall in the public pathway in S.No.34/3 situated at Kusavankundu Village, Madurai South, Madurai District, within a stipulated time fixed by this Court, by considering the representation made by the petitioner on 20.09.2024.



W.P(MD)No.24963 of 2024

WEB COP 3.

Alleging that the 4th respondent is trying to put up compound wall in S.No.34/3 which is the only public pathway to reach Arulmigu Chellayi Amman Temple and its properties, the petitioner made a representation dated 20.09.2024 to the respondents 1 to 3 and finding no heed to it was paid, 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.



W.P(MD)No.24963 of 2024

6. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 20.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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
bala

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



W.P(MD)No.24963 of 2024

To
WEB COPY

1. The District Collector,
Madurai District,
Madurai.
2. The Special Tahsildar (Land Acquisition),
Madurai Airport Extension, Unit I,
Office of District Collector,
Madurai.
3. The Special Tahsildar (Land Acquisition),
Madurai Airport Extension, Unit II,
Office of District Collector,
Madurai.



WEB COPY



W.P(MD)No.24963 of 2024

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

bala

ORDER MADE IN
W.P(MD)No.24963 of 2024
DATED : 26.11.2024