



W.P(MD)No.25137 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.25137 of 2024
and
WMP(MD)No.21378 of 2024**

Jeyaraman

... Petitioner

vs.

1. The District Collector / Monitoring Committee,
Trichy District,
Trichy.

2. The Commissioner
Trichy City Corporation,
Trichy.

3. The Chief Engineer,
Trichy Corporation,
Trichy.

4. The Executive Officer,
Pirattiyur Town Panchayat,
Edamalaipattipudur,
Trichy.

5. M/s. Alamelu Srinivasa Ventures LLP,
Rep. by its Authorized Partner,
Kumarananthapuram,



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No.151, East Extension,
4th Street, Tiruppur,
Pin -641 602.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 not to permit the 5th respondent to put up any form of constructions or development of any kind in the public government properties situated in S.F.Nos.429 part, 430/2 part and 431/2 part (ITEM No.I), 25 number of streets (Item No.II, III and IV) and S.FNo.12 Part (Item No.V) scheduled in Gift Deed in Document No.1436 of 1986 dated 17.03.1986 situated in Ramji Nagar Mill Colony, Ramji Nagar, Labour Colony in the villages of Pirattiyur and K.Kalligudi, Trichy and in the properties in S.Nos.51/4A1 and 51/4A3 of Kallikudi Village and S.Nos.425/1 part, 426/1 part, 426/2 part, 426/4 part, 427 part, 428 part and 429 part (totally measuring about 83 cents) scheduled in Gift Deed in Document No.1437/1986 dated 17.02.1986 of Pirattiyur & Kallikudi Village and further to remove the encroachment and any structures put up by the 5th respondent in the above properties by considering the petitioner's representation dated 26.07.2024.

For Petitioner	: Mr.K.Sathish Kumar
For R1 & R4	: Mr.P.Thilakkumar, Government Pleader
For R2 & R3	: Mr.K.R.Kishore Ram for M/s.R.B.Law Associates
For R5	: Mr.K.Krishna



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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, seeking to remove the encroachment put up by the 5th respondent in the properties gifted to the 4th respondent Panchayat in S.F.Nos.429 part, 430/2 part and 431/2 part (ITEM No.I), 25 number of streets (Item No.II, III and IV) and S.FNo.12 Part (Item No.V) situate in Ramji Nagar Mill Colony, Ramji Nagar, Labour Colony in the villages of Pirattiyur and K.Kalligudi, Trichy and in the properties in S.Nos.51/4A1 and 51/4A3 of Kallikudi Village and S.Nos.425/1 part, 426/1 part, 426/2 part, 426/4 part, 427 part, 428 part and 429 part (totally measuring about 83 cents) scheduled in Gift Deed in Document No.1437/1986 dated 17.02.1986, by considering the petitioner's representation dated 26.07.2024.

3. Learned counsel for the petitioner would submit that M/s.Trichy Mills Limited, formed a Labour colony with approved



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layout in the abovesaid survey numbers and had constructed number of houses for the benefit of its employees and it had also gifted the vacant site situate adjacent to the Labour Colony to the 4th respondent Town Panchayat for future provisions of Shopping Center, Park, Borewells, Latrine buildings etc. However, the said company became a sick company and later, in liquidation, its properties were assigned to M/s.Phoenix ARC Private Limited, which in turn, sold the properties of M/s.Trichy Mills Limited to the 5th respondent company in the year 2023. It is the grievance of the petitioner that taking advantage of such sale deeds, the 5th respondent is attempting to put up construction in the lands gifted to the 4th respondent Town Panachayat and despite the residents of Ramji Nagar Mill Colony sent a detailed representation to the respondents 1 to 3, to prevent the 5th respondent from putting up illegal construction in the gifted lands, no action was taken by the official respondents. Hence, 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



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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 26.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, 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.



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

of. No costs. Consequently, connected miscellaneous petition is closed.

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

Index : Yes / No

Neutral Citation : Yes / No

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To

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Trichy.

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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