



WP(MD). No.24716 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

WP(MD). No.24716 of 2024

V. Senguttuvan

... Petitioner

Vs

**1. The District Collector / Monitoring Committee,,
Thiruchirapalli District,
Thiruchirapalli..**

**2. The Thasilthar,
Thuraiyur Taluk,
Thiruchirapalli District..**

3. R. Thangadurai

4. A. Sekar

**5.The Additional Divisional Engineer,
Highways Department (C&M),
Uppiliyapuram Sub Division,
Thuraiyur,
Trichy District.**

... Respondents

**(5th respondent is suo motu impleaded vide
order of this Court dated 26.11.2024)**



WP(MD). No.24716 of 2024

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to remove the encroachments made by the 3rd and 4th respondents and to demolish the offending construction put up over the Highway in Survey Number 489/3 and 489/14 of Alagapuri Village, Thuraiyur Taluk, Thiruchirapalli District and retrieve the same to its original position.

For Petitioner : Mr.J.Pooventhirarajan
For Respondents : Mr.P.Thilak Kumar for R1 and R2
Government Pleader
Mr.K.Muthumalai for R3&R4

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 to direct the 1st and 2nd respondents to remove the encroachments made by the 3rd and 4th respondents and to demolish the offending construction put up over the Highway in Survey Number 489/3 and 489/14 of Alagapuri Village, Thuraiyur Taluk, Thiruchirapalli District and retrieve the same to its original position.



WP(MD). No.24716 of 2024

3.The petitioner herein had given a representation on 24.06.2024 to the 1st respondent to take action to demolish the construction put up by the respondents 3 and 4 in the highway. Since the said representation was not considered so far, the present writ petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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. From the grievance expressed in the affidavit filed in support of the writ petition, it is seen that the highways department would be the appropriate authority to take action on the representation made by the petitioner. Since he is a proper and necessary party to the lis, the Additional Divisional Engineer, Highways Department (C&M),



WP(MD). No.24716 of 2024

Uppiliyapuram Sub Division, Thuraiyur, Trichy District, is *suo motu* impleaded as party respondent.

6. In the light of the above observations, there shall be a direction to the newly impleaded 5th respondent to consider the petitioner's representation dated 24.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 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

RR

4/6



WP(MD). No.24716 of 2024

TO

WEB COPY

1. The District Collector / Monitoring Committee,,
Thiruchirapalli District,
Thiruchirapalli..
2. The Thasilthar,
Thuraiyur Taluk,
Thiruchirapalli District..
3. The Additional Divisional Engineer,
Highways Department (C&M),
Uppiliyapuram Sub Division,
Thuraiyur, Trichy District.



WEB COPY



WP(MD). No.24716 of 2024

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

RR

ORDER
IN
WP(MD) No.24716 of 2024

Date : 26/11/2024