



W.P(MD)No.25419 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.25419 of 2024

Vellaiyappan

... Petitioner

vs.

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

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sattur,
Virudhunagar District.

3. The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4. The Block Development Office,
Sattur,
Virudhunagar District.

5. V.P.Ramasamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the official respondents No.1 and 4 herein suitably direct to take appropriate action for removing the obstruction made by



W.P(MD)No.25419 of 2024

the 5th respondent in the pathway situated in Survey Nos.78, 77, 76 and 75 situated at K.Chokkalingapuram, Kundalakuthur Village, Sattur Taluk, Virudhunagar District and to ensure that the pathway which connects the burial ground and the main road Sirukullam to Nallamanayakam Patti is free from obstruction and available for public use by considering the representation dated 16.09.2024 within the time limit fixed by this Hon'ble Court.

For Petitioner : Ms.S.Meena
For R1 to R4 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the official respondents 1 and 4 herein, to take appropriate action for removing the obstruction made by the 5th respondent in the pathway situated in Survey Nos. 78, 77, 76 and 75 situated at K.Chokkalingapuram, Kundalakuthur Village, Sattur Taluk, Virudhunagar District and to ensure that the pathway which connects the burial ground and the main road Sirukullam to Nallamanayakam Patti is free from obstruction and available for public use, by considering the representation dated 16.09.2024, within a time frame.



W.P(MD)No.25419 of 2024

2. The learned counsel appearing for the petitioner would submit that one V.P.Ramasamy, who is the owner of the property in Survey No.75, taking advantage of the patta issued to him, caused obstruction to the Odai situate in the northern side of Survey No.75, thereby, prevented the access of the villagers to reach the burial ground. In this regard, though the petitioner along with villagers made representations to the official respondents and the last of which dated 16.09.2024, no steps were taken by the official respondents to remove the encroachment. Hence, 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.



W.P(MD)No.25419 of 2024

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 16.09.2024, 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.

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
bala

To

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



W.P(MD)No.25419 of 2024

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sattur,
Virudhunagar District.

3. The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4. The Block Development Office,
Sattur,
Virudhunagar District.



WEB COPY



W.P(MD)No.25419 of 2024

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

bala

ORDER MADE IN
W.P(MD)No.25419 of 2024
DATED : 20.11.2024