



W.P(MD)No.25189 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.25189 of 2024

Shanmugam

... Petitioner

vs.

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

2. The Assistant Collector,
Thevakottai,
Sivagangai District.

3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4. The Block Development Officer,
Kallal,
Sivagangai District.

5. The President
S.R.Pattinam Village Panchayat,
Sivagangai District.

6. Narayanan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the 1 to 5 Respondents to remove the



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encroachment made by Respondent No.6 in the common pathway/street situates in Survey Nos.314/8, 293/3, 294/11 in S.R.Pattinam Village, Karaikudi Taluk, Sivagangai District, within a time that may be fixed by this Honourable Court.

For Petitioner : Mr.N.Jeyaram Sidharth
For R1 to R4 : Mr.J.Ashok, Additional 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 respondents 1 to 5 to remove the encroachment made by 6th respondent in the common pathway/street situates in Survey Nos.314/8, 293/3 and 294/11 in S.R.Pattinam Village, Karaikudi Taluk, Sivagangai District, within a time frame.

2. The learned counsel appearing for the petitioner would submit that there is a common pathway in the abovesaid survey numbers and the revenue records also classify the said survey numbers as Government natham poramboke street and pathway. However, the 6th respondent and other land owners encroached the street by expanding their houses and septic tanks. In this regard, though the petitioner along with villagers made representations to the official respondents and the last of which dated 26.09.2024, no steps were



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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.

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 26.09.2024, 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



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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
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ORDER MADE IN
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