



W.P(MD)No.25142 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.25142 of 2024

N. Rajagopalan

... Petitioner

vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Divisional Engineer,
State Highways Department,
Thanjavur.

3. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thiruvaiyaru,
Thanjavur District.

4. The Tahsildar,
Thiruvaiyaru.

5. Sarasu

6. Kumar

7. Thiyagarajan



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8. Mayandi

9. Muruganandam

10. Rasathi

11. Gowri

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take action in accordance with law to remove the encroachments in the Kallanai Kaveripattanam State Highways road falling within Km 33/8 to Km 34/6 (government poromboke lands in Survey No.105/1, 105/3 and S.No.105/6) abutting the patta property of the petitioner in S.Nos. 105/2 and 105/4A situate at Karukudi Village, Thiruvaiyaru Taluk, Thanjavur District.

For Petitioner : Mr.N.Suresh

For R1 to R4 : Mr.P.T.Thiraviam, Government Advocate

For R5 to R9 & R11 : No appearance

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.



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2. This writ petition has been filed for a Mandamus, directing the respondents 1 to 4 to take action in accordance with law to remove the encroachments in the Kallanai-Kaveripattanam State Highways road falling within Km 33/8 to Km 34/6 (government poramboke lands in Survey No.105/1, 105/3 and S.No.105/6), abutting the patta property of the petitioner in S.Nos. 105/2 and 105/4A, situate at Karukudi Village, Thiruvaiyaru Taluk, Thanjavur District.

3. Alleging that the Government poramboke highway lands adjacent to the patta property of the petitioner are encroached upon by various persons by putting up thatched houses, the petitioner made various representations, the last of which dated 24.10.2024, to the official respondents to remove the said encroachment, and finding inaction on the part of the official respondents, 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



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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 24.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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.



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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

Index : Yes / No

Neutral Citation : Yes / No

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ORDER MADE IN
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