



W.P.(MD)No.26344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD)No.26344 of 2024

Pandeeswari

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

4.The Block Development Officer,
Block Development Office,
Kamuthi,
Ramanathapuram District.

5.Aadhilingam

6.Katturaja

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th and 6th respondents in 18-feet common pathway in survey No.301/18 A1C at Kannarpatti village, Kamuthi Taluk, Ramanathapuram District by considering the petitioner's representation dated 28.05.2024.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R1 to R3.
Mr.S.R.A.Ramachandran,
Addl. Government Pleader for R4.

ORDER

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

This writ petition has been filed for a mandamus to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in 18-feet common pathway in survey No.301/18 A1C at Kannarpatti village, Kamuthi Taluk, Ramanathapuram District by considering the petitioner's representation dated 28.05.2024.



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2. Since this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

3. The petitioner herein had given a representation to the respondents 1 to 4 on 28.05.2024 to remove the encroachments alleged to have been made by the respondents 5 and 6. Since the said representation was not considered, the present writ petition has been filed.

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.



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5. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 28.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 and 6 herein, as well as all other persons, who may be interested in the subject matter, within a period of twelve weeks 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.)
06.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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