



W.P.(MD)No.25967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.25967 of 2024

Magamayi

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Rajapalayam Taluk,
Sivakasi,
Virudhunagar District.

3.The Tasildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

4.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.



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5.The Executive Officer,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

6.S.Marimuthu

7.Sankaram : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents 1 to 5 herein to take necessary action and remove the encroachment made by the 6th and 7th respondents herein those who are encroaching water channel in S.No.13/151 and common pathway which belongs to Government in Survey No.13/123 situated at Kattapomman Street, Avarampatti Village, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.P.Venkatesan

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 4 & 5 : Mr.N.Dilip Kumar
Standing Counsel



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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 respondents 1 to 5 herein to take necessary action and remove the encroachments made by the 6th and 7th respondents herein, who are encroaching the water channel in S.No.13/151 and common pathway belonging to the Government in Survey No.13/123 situated at Kattapomman Street, Avarampatti Village, Rajapalayam, Virudhunagar District.

3.Since this Court is directing the respondents 1 to 5 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given a representation to the respondents 1 to 4 on 26.02.2024 to remove the encroachments



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alleged to have been made by the respondents 6 & 7. Since the said representation was not considered, the present writ petition has been filed.

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 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 1 to 5 herein to consider the petitioner's representation dated 26.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 6 & 7 herein, as well as all other persons, who may be interested in the subject property, within a period of eight [8] weeks from the date of



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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, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]
06.11.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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

MR

ORDER MADE IN
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