



WP(MD). No.26413 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2024

CORAM

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

WP(MD). No.26410 of 2024

Abdul Raheem

... Petitioner

Vs

**1. The District Collector
Trichy,
Trichy District**

**2. The Tahsildar,
Trichy East
Subramaniyapuram
Trichy.**

**3. The Commissioner,
Trichy Corporation
Trichy.**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent not to remove the encroachment in S.No.175 in Block – 9, Varaganeri Muslim Street, Periyapalayam, Trichy based on the order



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passed in WP(MD) No.16091/2018 dated 10.10.2022 till the disposal of the petitioner's representation before the 2nd respondent and direct the 2nd respondent to consider his representation dated 27.08.2024 to issue patta in his favour within a time frame fixed by this Court.

For Petitioner : Mr.I.Velpradeep
For Respondents : Mr.S.Shaji Bino for R1 and R2
Special Government Pleader
Mr.R.Baskaran for R3
Senior counsel for
M/s.R.B.Law Associates

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 3rd respondent not to remove the encroachment in S.No.175 in Block – 9, Varaganeri Muslim Street, Periyapalayam, Trichy based on the order passed in WP(MD) No.16091/2018 dated 10.10.2022 till the disposal of the petitioner's representation before the 2nd respondent and direct the 2nd respondent to consider his representation dated 27.08.2024 to issue patta



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in his favour within a time frame fixed by this Court.

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3. The petitioner herein had given a representation to the respondents on 27.08.2024 to not to remove the alleged encroachment. 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.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 27.08.2024, on its own merits and pass appropriate orders in accordance



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with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject property, 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]

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Index : Yes / No

Internet : Yes

RR



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

RR

ORDER
IN
WP(MD) No.26410 of 2024

Date : 04/11/2024