



W.P(MD)No.25448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM :

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

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M.Sivakumar

... Petitioner

vs.

1. The District Collector / Monitoring Committee,
Office of the District Collectorate,
Sivagangai.

2. The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirupavanam, Sivagangai.

4. The Tahsildar,
Office of the Tahsildar,
Thirupavanam, Sivagangai.

5. V.Singamuthu

6. S.Muruganantham

... 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



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remove the encroachment made by the 5th and 6th respondents in Survey Nos.530/1, 530/2, 530/3, 530/4, 530/5 and 530/28 of Chockayanpatti Village of Thirupuvanam Taluk of Sivagangai District, based upon the representation of the petitioner dated 27.08.2024.

For Petitioner : Mr.S.Ramsundarvijayraj
For R1 to R4 : Mr.P.Thilakkumar, 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 4 to remove the encroachment made by the 5th and 6th respondents in Survey Nos.530/1, 530/2, 530/3, 530/4, 530/5 and 530/28 of Chockayanpatti Village, Thirupuvanam Taluk, Sivagangai District, based upon the representation of the petitioner dated 27.08.2024.

2. The learned counsel for the petitioner would submit that Survey No.530/1 is a Government poramboke land and Survey Nos. 530/2, 530/3, 530/4, 530/5 and 530/28 are natham lands and the private respondents attempted to erect a stone fence around the



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Government poramboke lands and natham lands to establish their possession, in order to get patta in respect of the said lands. However, at the intervention of the villagers, the said attempt was thwarted. Subsequently, on behalf of the villagers, the petitioner made a representation dated 27.08.2024, to the official respondents to keep the said survey numbers as such for public utilities and not to grant patta in respect of the said survey numbers to any one, and finding no heed to it was paid, he has filed the present 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.



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5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 27.08.2024, 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
03.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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

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ORDER MADE IN
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