



WP(MD). No.26422 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

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A.Muniyakumar

... Petitioner

Vs

1. The District Collector
Collectorate
Thoothukudi District

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchendur Taluk
Tiruchendur
Thoothukudi District

3. The Tahsildar
Tahsildar Office,
Tiruchendur Taluk
Tiruchendur
Thoothukudi District

4.O.Anandharaj

5.O.Kumar

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to remove the encroachment made by the 4th and 5th respondents in the land classified as Maravanvilai Public Property in Survey Nos.468/1 and 481/2 of Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation dated 15.07.2024 in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.A.Robinson
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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. Since no adverse order is going to be passed against the respondents 4 and 5, notice to respondents 4 and 5 is dispensed with.



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3. This writ petition has been filed for a mandamus to direct the respondent Nos.1 to 3 to remove the encroachment made by the 4th and 5th respondents in the land classified as Maravanvilai Public Property in Survey Nos.468/1 and 481/2 of Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation dated 15.07.2024 in accordance with law.

4. The petitioner herein had given a representation to the respondents on 15.07.2024 to remove the encroachments alleged to have been made by the private respondents. 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



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of the India and direct them to consider the same within a stipulated time.

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6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 15.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents 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.

7. 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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NCC : Yes/No

Index : Yes/No

RR



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RR

ORDER
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