



W.P(MD)No.25455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM :

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

W.P(MD)No.25455 of 2024

A.Ramarasu

... Petitioner

vs.

1. The District Collector,
Collectorate, Thanjavur District.

2. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Thanjavur, Thanjavur District.

3. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Pattukottai Taluk,
Thanjavur District.

4. The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

5. C.Marimuthu

... 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 take immediate action to prevent the 5th respondent from running illegal



W.P(MD)No.25455 of 2024

charcoal manufacturing unit using coconut shells in the Survey No.2 situated at Pannaivayal Village, Pattukottai Taluk, Thanjavur District, and remove his encroachment by considering the petitioner's representation dated 05.08.2024.

For Petitioner : Mr.K.C.Maniyarasu
For R1, R3 & R4 : Mr.P.Thilakkumar, Government Pleader
For R2 : Mrs.Vijayakumari Natarjan
For R5 : Mr.K.M.Karunakaran

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, directing the respondents 1 to 4 to take immediate action to prevent the 5th respondent from running illegal charcoal manufacturing unit using coconut shells in the Survey No.2 situated at Pannaivayal Village, Pattukottai Taluk, Thanjavur District, and remove his encroachment by considering the petitioner's representation dated 05.08.2024.



W.P(MD)No.25455 of 2024

3. Alleging that the 5th respondent has encroached upon the Survey No.2 at Pannaivayal Village, which is classified as Manthaiveli and is running a charcoal manufacturing unit, illegally burning coconut shells, causing air pollution, contamination of ground water and soil, thereby, the people in that locality are suffering from lung infections due to air pollution, the petitioner made a representation dated 05.08.2024 to the respondents to remove the said encroachment made by the 5th respondent and finding no heed to it was paid, he has filed the present writ petition.

4. Heard both sides.

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



W.P(MD)No.25455 of 2024

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 herein, to consider the petitioner's representation dated 05.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, 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.

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

Index : Yes / No
Neutral Citation : Yes / No

(M.S.R, J.) (A.D.M.C, J.)
26.11.2024



W.P(MD)No.25455 of 2024

WEB To COPY

1. The District Collector,
Collectorate, Thanjavur District.
2. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Thanjavur, Thanjavur District.
3. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Pattukottai Taluk,
Thanjavur District.
4. The Tahsildar,
Pattukottai Taluk,
Thanjavur District.



WEB COPY



W.P(MD)No.25455 of 2024

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

bala

ORDER MADE IN
W.P(MD)No.25455 of 2024
DATED : 26.11.2024