



WP(MD). No.26930 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.11.2024

CORAM

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

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A.Akkim Raja

... Petitioner

Vs

1. The District Collector,
Dindigul District,Dindigul.

2. The Tahsildar,
Palani Taluk,
Dindigul District.

3. The Executive Officer,
Balasamudram Municipal Panchayat,
Palani Taluk,Dindigul District.

4. Chithirai Kani,
The Executive Officer,
Balasamudram Municipal Panchayat,
Palani Taluk,Dindigul District.

5. Subburam,
S/o.Pechimuthu,
Balasamudram Municipal Panchayat,
Palani Taluk,
Dindigul District.

... 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 3rd respondent to remove the encroachment made in Survey No. 802/2, Balasamuthiram Village Panchayat, Palani Taluk, Dindigul District which is encroachment made by the 5th respondent based on the 2nd respondents order in Na.Ka.No. 484/2024/C2 dated 31.05.2024 and also 1st and 2nd respondent take a department action against the 4th respondent based on the petitioner's representation dated 23.09.2024.

For Petitioner : Mr.K.Arunai
For Respondents : Mr.SR.A.Ramachandran
Additional Government Pleader for R1 to R4

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 to remove the encroachment made in Survey No. 802/2, Balasamuthiram Village Panchayat, Palani Taluk, Dindigul District, by the 5th respondent based on the 2nd respondents order in Na.Ka.No. 484/2024/C2 dated 31.05.2024 and also 1st and 2nd respondent take a departmental action against the 4th respondent based on the petitioner's representation dated 23.09.2024.



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

4. The petitioner herein had given a representation to the 3rd respondent on 23.09.2024 to remove the encroachments alleged to have been made by the 5th respondent. 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.



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6. In the light of the above observations, there shall be a direction to the 3rd respondent herein to consider the petitioner's representation dated 23.09.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondent herein, as well as all other persons, who may be interested in the subject property, in the light of the order dated 31.05.2024, 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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Index : Yes / No

Internet : Yes

RR



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