



W.P.(MD).No.26758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.11.2024

CORAM

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

W.P.(MD).No.26758 of 2024

S.Gopal

... Petitioner

Vs.

1.The District Collector/
Monitoring Committee,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Andipatty Taluk,
Theni District.

4.The Executive Officer,
Andipatty Town Panchayat,
Theni District.

5.R.Sakthivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4 to take appropriate steps to remove the encroachments made by the 5th respondent in S.No.1794/2B



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at Kondamanaickanpatty, Andipatti Taluk, Theni District within a stipulated time as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar

For R-1 to R-4 : 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 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 respondents 1 to 4 to take appropriate steps to remove the encroachments made by the fifth respondent in S.No.1794/2B at Kondamanaickanpatty, Andipatti Taluk, Theni District within a stipulated time as prescribed by this Court.

3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.



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4. The petitioner herein had given a representation to the official respondents on 16.09.2024 for removal of encroachment alleged to have been made by the fifth 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.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 16.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent herein, as well as any other persons, who may be interested in the subject property, within a period of three (3) months from the date of receipt of a copy



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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. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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Theni.

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