



WP(MD). No.27468 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

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

WP(MD). No.27468 of 2024

A.Mottiyandi

... Petitioner

Vs

**1. The District Collector,
Trichy District
Trichy.**

**2. The Tahsildar,
Thottiyam Taluk
Trichy District**

3.Raja

4.Krishnamoorthy

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 and 2 to measure and remove the encroachments made in S.No.8/205, Manamedu Village, Thottiyam Taluk, Trichy District.

For Petitioner : Mr.R.Murali
For Respondents : Mr.S.Shaji Bino for R1 & R2
Special Government Pleader



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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 orders are going to be passed against the respondents 3 and 4, notice to them is dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondents No.1 and 2 to to measure and remove the encroachments made in S.No.8/205, Manamedu Village, Thottiyam Taluk, Trichy District.

4. In order to remove the encroachment made in the aforesaid survey number, the petitioner herein had given a representation to the respondents 1 and 2 on 12.08.2024. Since the said representation was not considered, the present writ petition has been filed.



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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 and 2 herein to consider the petitioner's representation dated 12.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and private respondents as well as other persons with regard to 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.



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7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

18.11.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Collector,
Trichy District
Trichy.

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

RR

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