



WP(MD). No.26413 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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Murugan

... Petitioner

Vs

**1. The District Collector / Chairperson,
Theni,
Theni District..**

**2. The Revenue Divisional Officer,
/Chair Person, Divisional
Monitoring Committee For Eviction of Encroachment,
Periyakulam,
Theni District..**

**3. The Tahsildar,
Office of the Taluk Office,
Aundipatti Taluk,
Theni District..**

**4. The Block Development Officer,
Panchayat Union Office,
Aundipatti Taluk,
Theni District..**



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5. Ramar,

6. Manikandan,

7. Murugan,,

8. Vasantha,

9. Thangapandi,,

10. Tamilselvi,,

11. Tamilkodi,,

12. Vijayarani,

13. Rasathi,

14. Rajkumar,

15. Ramkumar,,

16. Rangini

... 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 to 4 herein to remove the encroachment made by the respondent Nos. 5 to 16 respondents in both the cart track consists area of 0.43.5 bearing survey Number 1237 and another cart road consist of 0.34.0 hectares bearing survey number 1213 both properties situated at Mottanoothu Village, Aundipatti Taluk, Theni District the petitioner representation dated 02.09.2024 within the time stipulated by this Court.



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For Petitioner : Mr.B.Arun
For Respondents : Mr.J.Ashok for R1 to R4
Additional 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. This writ petition has been filed for a mandamus to direct the respondent Nos. 1 to 4 herein to remove the encroachment made by the respondent Nos. 5 to 16 respondents in both the cart track in the properties situated at Mottanoothu Village, Aundipatti Taluk, Theni District the petitioner's representation dated 02.09.2024 within the time stipulated by this Court.

3. Since this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

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4. The petitioner herein had given a representation to the respondents 1 to 4 on 02.09.2024 to remove the encroachments alleged to have been made by the respondents 5 to 16. 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 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 16 herein, as well as all other persons, who may be



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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.

6. 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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ORDER
IN
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