



W.P.(MD).No.26786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.26786 of 2024

Chellamani

... Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collectorate Office,
Madurai District.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Tirumangalam,
Madurai District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Tirumangalam Taluk,
Madurai District.
- 4.The Village Administrative Officer,
O/o.The Village Administrative Office,
Urappanur Bit-2,
Tirumangalam Taluk,
Madurai District.
- 5.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.



W.P.(MD).No.26786 of 2024

6.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Tirumangalam, Madurai District.

7.The Inspector of Police,
Tirumangalam Town Police Station,
Tirumangalam,
Madurai District.

8.Aaram Puli

9.Virumandi

10.Muthu Kaluvan

11.Davaraj

12.Vijayan

13.Virumandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 7 to look into petitioner's representation dated 03.10.2024 and take necessary action against the private respondents No. 8 to 13 so as to cut down the 40 years old two neem trees and take steps to remove the encroachment made in Survey No.226/1 situated at Urappanur Bit-2, Tirumangalam Taluk, Madurai District by digging the Government land for construction work by the private respondents No.8 to 13 within a time frame fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R-1 to R-4 : Mr.P.Thilak Kumar

Government Pleader

For R-5 to R-7 : Mr.P.Kottai Chamy

Government Advocate (Crl. Side)



W.P.(MD).No.26786 of 2024

ORDER

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(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 7 to consider the petitioner's representation dated 03.10.2024 and take necessary action against the respondents 8 to 13 for cutting down the 40 years old neem trees and take steps to remove the encroachment made by them in Survey No.226/1 situated at Urappanur Bit-2, Tirumangalam Taluk, Madurai District.

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

4. The petitioner herein had given a representation to the official respondents on 03.10.2024, seeking to take action and remove the encroachment alleged to have been made by the respondents 8 to 13. Since the said representation was not considered, the present writ petition has been filed.



W.P.(MD).No.26786 of 2024

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 7 herein to consider the petitioner's representation dated 03.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 8 to 13 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 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.



W.P.(MD).No.26786 of 2024

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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- 5.The Superintendent of Police,
O/o.The Superintendent of Police,
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- 6.The Deputy Superintendent of Police,
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W.P.(MD).No.26786 of 2024

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W.P.(MD).No.26786 of 2024

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