



WP(MD). No.26671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2024

CORAM

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

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Gajendran

... Petitioner

Vs

1. The District Collector
Madurai District, Madurai.

2. The Revenue Divisional Officer,
Collectorate, Madurai 20.

3.The Revenue Tahsildar
Madurai North Taluk
Collectorate, Madurai,
Madurai District

4.The Block Development Officer
Block Development Office,
Madurai West Union, Madurai.

5.Selvakani

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the encroachment upon the Government

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poramboke land in S.No.66/4 situated at Ambalathadi Village, Madurai North Taluk, Madurai, based on the petitioner's representation dated 06.08.2024.

For Petitioner : Mr.S.Loganathan

For Respondents : 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 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 5th respondent, notice to the 5th respondent is dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondent Nos.1 to 4 to remove the encroachment upon the Government poramboke land in S.No.66/4 situated at Ambalathadi Village, Madurai North Taluk, Madurai, based on the petitioner's representation dated 06.08.2024.



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4. In order to remove the encroachments that have been allegedly made in the Government poramboke land in the aforesaid survey numbers, the petitioner herein had given a representation to the respondents on 06.08.2024. 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 to consider the petitioner's representation dated 06.08.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all



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other persons, if any, with regard to 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.

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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NCC : Yes/No

Index : Yes/No

RR

TO

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

RR

ORDER
IN
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Date : 08/11/2024