



WP(MD). No.26825 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.11.2024

CORAM

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

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Nagaraj

... Petitioner

Vs

1. The District Collector
District Collectorate
Trichy District..

2. The Tahsildar
Musiri Taluk Office
Musiri
Trichy District

3. The Block Development Officer,
Musiri
Trichy District

4. The President,
Perur Village Panchayat
Perur
Musiri Taluk
Trichy District

5. Uthandan

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to remove the encroachment made by the 5th respondent in Survey No.436/1 situated at Rakkampatti Village, Velakkanatham Post, Musiri Taluk, Trichy District based on the petitioner's representation dated 07.06.2023.

For Petitioner : Mr.K.Arunai
For Respondents : Mr.SR.A.Ramachandran
Additional Government Pleader for R1 to R4

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 2nd respondent to remove the encroachment made by the 5th respondent in Survey No.436/1 situated at Rakkampatti Village, Velakkanatham Post, Musiri Taluk, Trichy District based on the petitioner's representation dated 07.06.2023.



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3. Since this Court is directing the 2nd respondent to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the 2nd respondent on 07.06.2023 to remove the encroachments alleged to have been made by the 5th 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.



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6. In the light of the above observations, there shall be a direction to the 2nd respondent herein to consider the petitioner's representation dated 07.06.2023 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondent herein, as well as all other persons, who may be 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.

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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Index : Yes / No

Internet : Yes

RR



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

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ORDER
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