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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

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

W.P.(MD).No.26940 of 2024
and
W.M.P.(MD).No.22817 of 2024

P.Murugesan ... Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Palani Division,
Dindigul District.

4.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

5.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

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6.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

7.R.Periyasamy

8.R.Thangavel ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the obstructions made by the 7th and 8th respondents in the 'Nilaviyal Padhai' in S.No.171/4C and in the water body in S.No.196, Vadamadurai Revenue Village, Vedasandur Taluk, Dindigul District and consequently maintain the same without any future encroachments.

For Petitioner : Mr.M.Rajarajan
For R-1 to R-5 : Mr.J.Ashok
Additional Government Pleader
For R-6 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

(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.

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2. This Writ Petition has been filed for a mandamus to direct the respondents 1 to 6 to remove the obstructions made by the respondents 7 and 8 in the 'Nilaviyal Padhai' in S.No.171/4C and in the water body in S.No.196, Vadamadurai Revenue Village, Vedasandur Taluk, Dindigul District and consequently maintain the same without any future encroachments.

3. Since no adverse orders are going to be passed against the respondents 7 and 8, notice to the respondents 7 and 8 is hereby dispensed with.

4. The petitioner herein along with the residents of Narasingapuram and A.V.Patti Village, had given a representation to the respondents 1, 2 and 4 to 6 on 10.08.2024 to remove the encroachment alleged to have been made by the respondents 7 and 8 in the subject property. 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

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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 6 herein to consider the petitioner's representation dated 10.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 7 and 8 herein, as well as all 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.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

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and
A.D.MARIA CLETE,J.

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