



W.P.(MD)No.26943 of 2024

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.26943 of 2024

C.Murugan

: Petitioner

Vs.

1.The District Collector,
Collectorate,
Pudukkottai,
Pudukkottai District.

2.The Assistant Divisional Engineer,
Highway Department,
(Construction & Maintenance),
Thirumayam,
Pudukkottai District.

3.The Assistant Engineer,
Highway Department,
(Construction & Maintenance),
Thirumayam,
Pudukkottai District.



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4.The Tashildar,
Taluk Office,
Thirumayam Taluk,
Pudukkottai District.

5.Rani : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in SF No.171 & 174 classified as road poromboke of Pudukkottai – Eambal road at the 25.6th kms of Karamangalam Village, Thirumayam Taluk, Pudukkottai District within a time stipulated by this Court.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Officer
For Respondents 1 to 4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

O R D E R

[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.



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2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 4 to remove the encroachment made by the fifth respondent in SF No.171 & 174 classified as road poromboke of Pudukkottai – Eambal road at the 25.6th kms of Karamangalam Village, Thirumayam Taluk, Pudukkottai District.

3.Since this Court is directing the official respondents 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 respondents on 20.03.2023, to remove the encroachments alleged to have been made by the fifth 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



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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 herein to consider the petitioner's representations dated 25.11.2021, 28.03.2024 and 13.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fifth respondent 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.



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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]
12.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

RR/MR



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To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner / Monitoring Committee,
Madurai City Corporation,
Madurai.

3.The Assistant Commissioner,
North Zone 2,
Madurai Corporation,
Pandhayathidalsalai,
K.Pudur,
Madurai – 7.



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

RR/MR

ORDER MADE IN
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12.11.2024