



W.P.(MD).No.27059 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.11.2024

CORAM

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

W.P.(MD).No.27059 of 2024

Thamilraj

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Block Development Officer,
Srivilliputhur Union,
Virudhunagar District.
- 3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.
- 4.The Revenue Inspector,
Srivilliputhur North,
Virudhunagar District.
- 5.The Village Administrative Officer,
North Srivilliputhur,
Virudhunagar District.
- 6.The President,
Thiruvannamalai Panchayat,
Virudhunagar District.



W.P.(MD).No.27059 of 2024

7.S.Kothalamuthu

... Respondents

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 6 seeking to remove the encroachment committed by the 7th respondent on the grama panchayat road comprised in S.Nos.499/30, 499/39, 499/40, S.No.45/3A1A1 at North Street, N.Shanmugasundarapuram, Thiruvannamalai Panchayat, Srivilliputhur Taluk, Virudhunagar District on the basis of petitioner's representation dated 26.10.2024.

For Petitioner : Mr.I.Kanna Patel
For R-1 to R-5 : 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 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 6 to remove the encroachment committed by the seventh respondent on the Grama Panchayat road comprised in S.Nos.499/30, 499/39, 499/40, S.No.45/3A1A1 at North Street, N.Shanmugasundarapuram,



W.P.(MD).No.27059 of 2024

Thiruvannamalai Panchayat, Srivilliputhur Taluk, Virudhunagar District on the basis of the petitioner's representation dated 26.10.2024.

3. Since no adverse orders are going to be passed against the respondents 6 and 7, notice to the respondents 6 and 7 is hereby dispensed with.

4. The petitioner herein had given a representation to the third respondent on 26.10.2024 to remove the encroachment alleged to have been made by the seventh respondent in the Grama Panchayat road. 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.



W.P.(MD).No.27059 of 2024

6. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 26.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the seventh respondent, 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.

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.)
13.11.2024

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

To
1. The District Collector,
Virudhunagar District,
Virudhunagar.



W.P.(MD).No.27059 of 2024

2.The Block Development Officer,
Srivilliputhur Union,
Virudhunagar District.

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Revenue Inspector,
Srivilliputhur North,
Virudhunagar District.

5.The Village Administrative Officer,
North Srivilliputhur,
Virudhunagar District.

6.The President,
Thiruvannamalai Panchayat,
Virudhunagar District.



WEB COPY



W.P.(MD).No.27059 of 2024

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

Lm

W.P.(MD).No.27059 of 2024

13.11.2024