



W.P.(MD).No.27542 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.11.2024

CORAM

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

W.P.(MD).No.27542 of 2024

Kesavamoorthy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

3.The Block Development Officer,
O/o.Block Development Officer,
Kovilpatti Block,
Thoothukudi District.

4.The Panchayat President,
Villichery Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the third and fourth respondents to implement the second respondent proceedings Na.Ka.No.AA3/6039/2020 dated



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06.10.2020 and Na.Ka.No.AA3/6039/20 dated 20.09.2021 to remove the encroachment made in the cart track of Government Poromboke land situated in Survey Nos.89, 128, 136, 139 and 151 Vellichery Bit-II Village, Kovilpatti Taluk, Thoothukudi District for removing the encroachment based on the petitioner's representations dated 26.08.2021, 15.08.2023 in person within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

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 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 third and fourth respondents to implement the proceedings of the second respondent in Na.Ka.No.AA3/6039/2020 dated 06.10.2020 and Na.Ka.No.AA3/6039/20 dated 20.09.2021 to remove the encroachment made in the cart track of Government Poromboke land situated in Survey Nos.89, 128, 136, 139 and 151 Vellichery Bit-II Village, Kovilpatti Taluk, Thoothukudi District based on the



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petitioner's representations dated 26.08.2021, 15.08.2023 in person within the time limit that may be stipulated by this Court.

3. The petitioner herein had given a representation to the fourth respondent on 15.08.2023 to remove the encroachment made in the Government poromboke lands. Since the said representation was not considered, the present writ petition has been filed.

4. 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.

5. In the light of the above observations, there shall be a direction to the respondents 3 and 4 herein to consider the petitioner's representation dated 15.08.2023 in the light of the proceedings of the second respondent in



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Na.Ka.No.AA3/6039/2020 dated 06.10.2020 and Na.Ka.No.AA3/6039/20

dated 20.09.2021 and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner 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 respondent to consider the same on its own merits.

6. 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.)
19.11.2024

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

To

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Thoothukudi.

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