



W.P.(MD)No.27307 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.27307 of 2024

M/s.AVS Properties Pvt. Ltd.,

Represented by its Director,

S.Adaikkammai,

No.24, 2nd Cross Street,

Indra Nagar,

Adyar,

Chennai – 20.

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,

Dindigul District,

Dindigul.

2.The Tahsildar,

Kodaikanal Taluk,

Kodaikanal,

Dindigul.



W.P.(MD)No.27307 of 2024

WEB COPY

3.The Assistant Divisional Engineer [Highways],
C and M Dindigul,
Dindigul.

4.The Superintendent of Police,
Dindigul District,
Dindigul.

5.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

6.Karthick : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the second and third respondents to consider the representations dated 12.08.2024, 26.08.2024 respectively and thereby remove the encroachment structure (platform) and Flag Post put up in front side of the petitioner's property ie., the land in Adakkam Village in Patta No.926 in Survey No.181A1A, 1A1C1, 2B, 3B2, 4, 5B, Adakkam Village, Perumalmalai, Kodaikanal.



WEB COPY



W.P.(MD)No.27307 of 2024

For Petitioner : Mr.K.M.Balaji
For Respondents 1 to 3 : Mr.S.Shaji Bino
Special Government Pleader
For Respondents 4 & 5 : Mr.K.Gnanasekaran,
Government Advocate [Crl. Side]

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 second and third respondents to consider the representations dated 12.08.2024, 26.08.2024 respectively and thereby remove the encroachment structure (platform) and Flag Post put up in front side of the petitioner's property ie., the land in Adakkam Village in Patta No.926 in Survey No.181A1A, 1A1C1, 2B, 3B2, 4, 5B, Adukkam Village, Perumalmalai, Kodaikanal.

3.Since this Court is directing the respondents 1 & 2 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondent is hereby dispensed with.



W.P.(MD)No.27307 of 2024

WEB COPY

4.The petitioner herein had given representations to the respondents 1 to 4 on 12.08.2024 and 26.08.2024, for removal of encroachments. Since the said representations were 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.

6.In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representations dated 12.08.2024 and 26.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the sixth



W.P.(MD)No.27307 of 2024

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.

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.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



W.P.(MD)No.27307 of 2024

WEB COPY

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WEB COPY



W.P.(MD)No.27307 of 2024

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ORDER MADE IN
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