



WP(MD). No.27390 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2024

CORAM

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

WP(MD). No.27390 of 2024

M.Periyasamy

... Petitioner

Vs

**1. The District Collector,
Trichy District
Trichy.**

**2. The Revenue Divisional Officer,
Srirangam Sub Division,
Trichy District**

**3.The Tahsildar,
Marungapuri Taluk
Trichy District**

4.P.Periyasamy

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in public pathway situated at Survey Nos.412/26 and 412/27 Pidarapatti South, Ikkaikurichi Revenue Village, Marungapuri



WP(MD). No.27390 of 2024

Taluk, Trichy District by considering the petitioner's representation dated 23.01.2024.

For Petitioner : Mr.T.Veerakumar
For Respondents : Mr.SR.A.Ramachandran for R1 to R3
Additional Government Pleader

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. Since no adverse orders are going to be passed against the respondent No. 4, notice to the 4th respondent is dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondents 1 to 3 to remove the encroachment made by the 4th respondent in public pathway situated at Survey Nos.412/26 and 412/27 Pidarapatti South, Ikkaraikosikurichi Revenue Village, Marungapuri Taluk, Trichy District by considering the petitioner's representation dated 23.01.2024.



WP(MD). No.27390 of 2024

WEB COPY

4. In order to remove the alleged encroachment made by the 4th respondent in the aforesaid survey numbers, the petitioner herein had given a representation to the official respondents on 23.01.2024. Since the said representation was not considered so far, 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 3 herein to consider the petitioner's representation dated 23.01.2024, on its own merits and pass appropriate orders in



WP(MD). No.27390 of 2024

accordance with law, after giving due opportunity to the petitioner and private respondent as well as other persons with regard to the subject property, within a period of three 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.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

18.11.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Collector,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Srirangam Sub Division,
Trichy District

3. The Tahsildar,
Marungapuri Taluk
Trichy District

4/5



WEB COPY



WP(MD). No.27390 of 2024

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

RR

ORDER
IN
WP(MD) No.27390 of 2024

Date : 18/11/2024