



WP(MD). No.27535 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

CORAM

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

WP(MD). No.27535 of 2024
and WMP(MD) No.23361 of 2024

B.Sundarraaj

... Petitioner

Vs

1.The District Collector,
O/o.The District Collector,
Tenkasi District, Tenkasi.

2.The Commissioner
Pappakudi Panchayat Union,
Pappakudi, Tenkasi District

3.The Divisional Engineer
O/o.The Divisional Engineer
State Highways, Tenkasi District

4.The Tahsildar
O/o.The Tahsildar
Alangulam Taluk
Tenkasi District

5.M.Sudar Olivu

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from evicting the petitioner's shop and other properties situated at Old Natham Survey No.36, Ward No.5, New Survey No. 876/24 situated at Puthupatti Village, Alangulam Taluk, Tenkasi District without following the due process of law by considering the petitioner's representation dated 11.11.2024.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Shaji Bino for R1 to R4
Special 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 this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.



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3. This writ petition has been filed for a mandamus to forbear the respondents from evicting the petitioner's shop and other properties situated at Old Natham Survey No.36, Ward No.5, New Survey No. 876/24 situated at Puthupatti Village, Alangulam Taluk, Tenkasi District without following the due process of law by considering the petitioner's representation dated 11.11.2024.

4. The petitioner herein had given a representation to the respondents 1 to 4 on 11.11.2024 to not to evict the petitioner from the subject property. 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.



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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 representation dated 11.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondents herein, as well as all other persons, who may be interested in 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. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

18.11.2024

Index : Yes / No

Internet : Yes

RR



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ORDER
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