



WP(MD). No.27527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

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

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Marisamy

... Petitioner

Vs

1. The District Collector/Monitoring Committee
Tenkasi District, Tenkasi.

2. The Revenue Divisional Officer,
Sankarankoil Sub Division, Tenkasi District

3.The Tahsildar,
Sankarankoil Taluk
Tenkasi District

4.The Village Administrative Officer,
Naduvakurichi Minor Village
Sankarankoil Division, Tenkasi District

5.The Inspector of Police,
Sernthamaram Police Station,
Tenkasi District

6.Thangavel

7.Subramaniyan

... 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, directing the respondents 1 to 4 to remove the encroachment in Survey No.501/28 situated at Pillayarkovil Street, Vallarapuram, Naduvakurichi Minor Village, Sankarankoil Division, Tenkasi District made by the respondents 6 and 7 by considering the petitioner's representation dated 14.10.2024 within the time stipulated by this Court.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.S.Shaji Bino for R1 to R4
Special Government Pleader

Mr.P.Kottaichamy for R5
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. Since no adverse orders are going to be passed against the respondent Nos.6 and 7, notice to the respondents 6 and 7 is dispensed with.



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3. This writ petition has been filed for a mandamus to direct the respondents 1 to 4 to remove the encroachment in Survey No.501/28 situated at Pillayarkovil Street, Vallarapuram, Naduvakurichi Minor Village, Sankarankoil Division, Tenkasi District made by the respondents 6 and 7 by considering the petitioner's representation dated 14.10.2024 within the time stipulated by this Court.

4. In order to remove the encroachment said to have been made by the respondents 6 and 7 in the aforesaid survey numbers, the petitioner herein had given a representation to the official respondents on 14.10.2024. 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



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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 representation dated 14.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and private respondents as well as other persons, who may be interested 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



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