



WP(MD). No.28728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

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

WP(MD). No.28728 of 2024

Annadurai

... Petitioner

Vs

**1. The District Collector,
Pudukkottai District..**

**2. The Revenue Divisional Officer/Monitoring Committee,
Illupur Post and Taluk, Pudukkottai District..**

**3. The Tahsildar,
Kulathur Taluk,
Pudukkottai District..**

4. Veerammal,

5. Chinnathampi,

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, direct the respondents 1 to 3 remove the encroachment made by respondents 4 and 5 in S.F.No. 517/2 of Andakulam village, Kulathur taluk, Pudukkottai District

1/5



WP(MD). No.28728 of 2024

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.J.Ashok 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 respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 3 remove the encroachment made by respondents 4 and 5 in S.F.No. 517/2 of Andakulam village, Kulathur taluk, Pudukkottai District.

4. In order to remove the encroachment alleged to have been made by the respondents 4 and 5 in the aforesaid survey number, the petitioner has given a representation on 29.06.2024. Since the said representation



WP(MD). No.28728 of 2024

has not been considered so far, the petitioner is before this Court with this petition.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 29.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and respondent Nos.4 and 5 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



WP(MD). No.28728 of 2024

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]

02.12.2024

NCC : Yes/No

Index : Yes/No

RR

To

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Pudukkottai District..

2. The Revenue Divisional Officer/Monitoring Committee,
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3. The Tahsildar,
Kulathur Taluk,
Pudukkottai District..



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WP(MD). No.28728 of 2024

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

RR

ORDER
IN
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Date : 02/12/2024