



WP(MD). No.27545 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.27545 of 2024

Pitchaikannu

... Petitioner

Vs

**1.The District Collector,
Thanjavur District**

**2.The Tahsildar
Orathanadu Taluk
Thanjavur District**

**3.The Inspector of Police,
Papanadu Police Station,
Thanjavur District**

4.Devendran

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment made by the 4th respondent and his family members situated in Survey No.50/3B2 Valayakaadu, Orathanaadu Taluk, Thanjavur District.

1/5



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WP(MD). No.27545 of 2024

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.J.Ashok for R1 & R2
Additional Government Pleader
Mr.P.Kottaichamy for R3
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 this Court is directing the respondents 1 to 3 to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondents 1 and 2 to remove the encroachment made by the 4th respondent and his family members situated in Survey No.50/3B2 Valayakaadu, Orathanaadu Taluk, Thanjavur District.



WP(MD). No.27545 of 2024

4. In order to remove the alleged encroachments made by the 4th respondent herein, the petitioner had given a representation to the respondents 1 and 2 on 02.09.2024. 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.

6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 4th respondents herein, as well as all other persons, who



WP(MD). No.27545 of 2024

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.

[M.S.R.,J]

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

18.11.2024

Index : Yes / No

Internet : Yes

RR

TO

1.The District Collector,
Thanjavur District

2.The Tahsildar
Orathanadu Taluk
Thanjavur District

3.The Inspector of Police,
Papanadu Police Station,
Thanjavur District

4/5



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WP(MD). No.27545 of 2024

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

RR

ORDER
IN
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