



W.P.(MD)No.27636 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.27636 of 2024

and

W.M.P.(MD)No.23458 of 2024

Anandhakrishnan

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
O/o. The District Collector,
Tuticorin District.

2.The Tahsildar,
O/o. The Tahsildar,
Tuticorin Taluk,
Tuticorin District.

3.The Block Development Officer,
O/o. The Block Development Officer,
Milavattan Village,
Tuticorin Taluk,
Tuticorin District.



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4.The Commissioner,
Tuticorin Corporation,
No.13, Palai Road,
Tuticorin District – 628 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fourth respondent in petitioner's land in Survey No.572/2A1A at Milavattan Village, Tuticorin Taluk, Tuticorin District by considering the petitioner's representation dated 17.10.2024, within the stipulated time by this Court.

For Petitioner : Mr.G.Sujeeth

For Respondents 1 to 3 : Mr.J.Ashok

Additional Government Pleader

For Respondent No.4 : Mr.N.Anandkumar

Standing Counsel

O R D E R

[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.



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2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 4 to remove the encroachment made by the fourth respondent in petitioner's land in Survey No.572/2A1A at Milavattan Village, Tuticorin Taluk, Tuticorin District by considering the petitioner's representation dated 17.10.2024.

3.The petitioner herein had given a representation to the respondents 1 to 4 on 17.10.2024, to remove the encroachments alleged to have been made by the fourth respondent. Since the said representation was not considered, the present writ petition has been filed.

4.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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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 17.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein as well as all other persons, who may be interested in the subject property, within a period of three [3] 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.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

20.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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O/o. The Tahsildar,
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Tuticorin District.
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O/o. The Block Development Officer,
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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20.11.2024