



WP(MD). No.29545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP(MD). No.29545 of 2024
and WMP(MD) No.24917 of 2024

Dojo Leon

... Petitioner

Vs

1. The District Collector (Monitoring Committee),
Ramanathapuram, Ramanathapuram District..

2. The District Revenue Officer,
Office of the District Revenue Officer,
Ramanathapuram District..

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District..

4. The Tahsildar,
Office of the Tahsildar,
Rameshwaram, Ramanathapuram District..

5. Singam Leon,

6. Bennito Leon,

7. Vensalass,

8. K.Dharmar

... Respondents



WP(MD). No.29545 of 2024

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 consider the petitioner's representation and to protect the land to an extent of 42 cents situated in S.No.717/18 at Verkodu, Rameswaram Municipality, Rameswaram Revenue Village, Rameswaram Sub Registrar Office, Ramanathapuram District Registration from the illegal encroachment and squatting on the public land of the Rameswaram Municipality without any valid right over the property by the respondents 5 to 8.

For Petitioner : Ms.N.Vijayalakshmi
For Respondents : Mr.P.Thilakkumar for R1 to R4
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 order is going to be passed against the respondents 5 to 8, notice to the respondents 5 to 8 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to consider the petitioner's representation



WP(MD). No.29545 of 2024

and to protect the land to an extent of 42 cents situated in S.No.717/18 at Verkodu, Rameswaram Municipality, Rameswaram Revenue Village, Rameswaram Sub Registrar Office, Ramanathapuram District Registration from the illegal encroachment and squatting on the public land of the Rameswaram Municipality without any valid right over the property by the respondents 5 to 8.

4. In order to remove the encroachment said to have been made in the aforesaid survey number, the petitioner has given a representation on 08.10.2024. Since the said representation 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



WP(MD). No.29545 of 2024

of the India and direct them to consider the same within a stipulated time.

WEB COPY

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 08.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 8 and 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] [N.S.,J]
05.12.2024**

NCC : Yes/No
Index : Yes/No

RR



WP(MD). No.29545 of 2024

To

1. The District Collector (Monitoring Committee),
Ramanathapuram, Ramanathapuram District..

2. The District Revenue Officer,
Office of the District Revenue Officer,
Ramanathapuram District..

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District..

4. The Tahsildar,
Office of the Tahsildar,
Rameshwaram, Ramanathapuram District..



WEB COPY



WP(MD). No.29545 of 2024

M.S. RAMESH, J.
AND
N.SENTHILKUMAR, J.

RR

ORDER
IN
WP(MD) No.29545 of 2024

Date : 09/12/2024