



**W.P.(MD)No.28206 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 26.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**and**

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD)No.28206 of 2024**

P.Sudhakar

: Petitioner

Vs.

1.The District Collector,  
District Collectorate Office,  
Trichy District.

2.The Revenue Divisional Officer,  
Lalkudi,  
Trichy District.

3.The Tahsildar,  
Lalkudi Taluk,  
Trichy District.

4.Ramraj

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents



**W.P.(MD)No.28206 of 2024**

to remove the encroachment in pathway No.22, 23 & 24 for  
Natham Survey No.654, Neikulam Village, Lalkudi Taluk,  
Tiruchirappalli District within the time stipulated by this Court.

For Petitioner : Mr.H.Velavadhas  
For Respondents 1 to 3 : Mr.S.Shaji Binor  
Special Government Pleader

**ORDER**

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[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.**This writ petition has been filed for a Mandamus to  
direct the official respondents to remove the encroachment in the  
pathway Nos.22, 23 & 24 of Natham Survey No.654, Neikulam  
Village, Lalkudi Taluk, Tiruchirappalli District.

**3.**Since this Court is directing the official respondents to  
consider the petitioner's representation, after giving due  
opportunity to the private respondent herein, notice to the private  
respondent is hereby dispensed with.



**W.P.(MD)No.28206 of 2024**

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**4.**The petitioner herein had given a representation to the respondents 1 to 3 on 20.08.2024, for removal of the alleged encroachments. 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 to 3 herein to consider the petitioner's representation dated 20.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fourth respondent



**W.P.(MD)No.28206 of 2024**

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.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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

**26.11.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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**W.P.(MD)No.28206 of 2024**

To

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***W.P.(MD)No.28206 of 2024***

**M.S.RAMESH, J.**  
**and**  
**A.D.MARIA CLETE, J.**

MR

**ORDER MADE IN**  
**W.P.(MD)No.28206 of 2024**

**26.11.2024**