



W.P.(MD)No.28555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.28555 of 2024

and

W.M.P.(MD)No.24210 of 2024

R.Ganesan

: Petitioners

Vs.

1.The District Collector / Monitoring Committee,
Dindigul District.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Block Development Officer,
Nilakkottai,
Dindigul District.

4.The President,
Jamnuthuraikottai Panchayat,
Nilakottai Taluk,
Dindigul District.



W.P.(MD)No.28555 of 2024

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5.Vellaichamy @ Kundumani

6.Kumar

7.Subbaiah

8.Suresh

: 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 put up in the water channel taking waste, discharged sewage, drainage and rain water which have been set up at the bounds of all roads in our village in pursuance to the petitioner's representation dated 16.11.2024 as expeditiously as possible within the time stipulated by this Court.

For Petitioner : Mr.R.Anand

For Respondents 1 to 3 : Mr.P.Thilak Kumar

Government Pleader

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.



W.P.(MD)No.28555 of 2024

WEB COPY

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 4 to remove the encroachment put up in the water channel taking waste, discharged sewage, drainage and rain water which have been set up at the bounds of all roads in the petitioner's village in pursuance to the petitioner's representation dated 16.11.2024 as expeditiously as possible.

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

4.The petitioner herein had given a representation to the respondents 1 to 4 on 16.11.2024, to remove the encroachments alleged to have been made by the respondents 5 to 8. 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



W.P.(MD)No.28555 of 2024

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 4 herein to consider the petitioner's representation dated 16.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 5 to 8 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.



W.P.(MD)No.28555 of 2024

WEB COPY

7. 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.]
29.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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W.P.(MD)No.28555 of 2024

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W.P.(MD)No.28555 of 2024

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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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