



W.P.(MD).No.28660 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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M.Elanthapalam

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar / Monitoring Committee,
Radhapuram Taluk,
Tirunelveli District.
- 4.The Block Development Officer,
Radhapuram Panchayat Union,
Tirunelveli District.
- 5.The Panchayat President,
Kudankulam Village Panchayat,
Radhapuram Taluk,
Tirunelveli District.
- 6.The District Educational Officer,
District Educational Office,
Valliyoor,
Tirunelveli District.



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7. The Head Master,
Government Higher Secondary School,
Kudankulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 7th respondent in S.No.364/3A classified as 'Common Public Pathway' situated in Kudankulam Village, Radhapuram Taluk, Tirunelveli District at once.

For Petitioner : Mr.M.Laxmi Mahendraa
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the Writ Petition 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 respondents 1 to 3 to remove the encroachments made by the seventh respondent in S.No.364/3A classified as 'Common Public Pathway' situated in Kudankulam Village, Radhapuram Taluk, Tirunelveli District at once.



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3. The petitioner herein had given a representation to the first respondent on 28.08.2024 to remove the encroachment alleged to have been made by the seventh respondent in the common pathway. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 28.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the seventh respondent 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



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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, the Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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