



W.P.(MD).No.28554 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**

W.P.(MD).No.28554 of 2024

Rama Krishnan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.The Tahsildar,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi District.

4.Samuthiravel

5.Palanichamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment of the respondents 4 and 5 made in the Nilaviyal Vandi Pathai, which is running in the land in Survey Nos.76/4A, 76/4C and 76/5A in



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Alagapuri Village, Thiruvengadam Taluk, Tenkasi District and to consequently, to direct the respondents 1 to 3 to properly maintain the said Nilaviyal Vandi Pathai in its original condition as per the revenue records based on the petitioner's representations dated 18.10.2024 and 22.11.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 to R-3 : Mr.S.R.A.Ramachandran
Additional 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 encroachment of the respondents 4 and 5 made in the Nilaviyal Vandi Pathai, which is running in the land in Survey Nos.76/4A, 76/4C and 76/5A in Alagapuri Village, Thiruvengadam Taluk, Tenkasi District and to consequently direct the respondents 1 to 3 to properly maintain the said Nilaviyal Vandi Pathai in its original condition as per the revenue records based on the petitioner's representations dated 18.10.2024 and 22.11.2024 within the time limit that may be stipulated by this Court.



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3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. The petitioner herein had given a representation to the respondents 1 to 3 on 22.11.2024 to remove the encroachment alleged to have been made by the respondents 4 and 5 in the cart track. 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 22.11.2024, on its own merits and pass appropriate orders in accordance with



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law, after giving due opportunity to the petitioner and the respondents 4 and 5, 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, 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

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

3.The Tahsildar,
Thiruvengadam Taluk Office,
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