



WP(MD). No.29342 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2024

CORAM

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

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Ponnuvel

... Petitioner

Vs

1. The District Collector / Monitoring Committee,
Office of the District Collector,
Dindigul, Dindigul District.

2. The Sub Collector,
Office of the Sub Collector,
Palani Sub Division,
Dindigul District.

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

4. The Block Development Officer,
Office of the Block Development Officer,
Vedasandur, Dindigul District.

5. The Regional Engineer,
National Highways Construction and
Maintenance Department,
Vedasandur, Dindigul District.



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6. The Assistant Engineer of National Highways,
Office of the Assistant Engineer of National Highways,
Nabard and Village Road,
Nehru Nagar, Vendasandur,
Dindigul District.

7. The Tahsildar,
Office of the Tahsildar
Vendasandur,
Dindigul District.

8. Duraisamy,
S/o Rangapillai,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vendasandur Taluk,
Dindigul District.

9. Paramasivam,
S/o Kulanthaivel,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vendasandur Taluk,
Dindigul District.

10. Asaithambi,
S/o Rangapillai,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vendasandur Taluk,
Dindigul District.



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11. Vinayagamoorthy,
S/o Sangapillai,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vedasandur Taluk,
Dindigul District.

12. Thangammal,
W/o Muruthapillai
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vedasandur Taluk,
Dindigul District.

13. Ganesan,
S/o Pattumani,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vedasandur Taluk,
Dindigul District.

14. Ganesan,
S/o Muniappan,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vedasandur Taluk,
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15. Kaliyapillai,
S/o Alagumalai,
Vellaiyagoundanpatti,
Karattupatti,
Pachalagoundanoor,
Koovakkampatti Post,
Vedasandur Taluk,
Dindigul District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondent Nos.1 to 7 to remove the encroachment made by the respondent Nos.8 to 15 on the public Road in Survey Nos. 246, 244, 244/1, 252 and 258 of Vekkaiyagoundanoor Vilage, Karattupatti, Pachalagoundanoor, Koovakkapatti Post, Vedasandur Taluk, Dindigul District on the basis of communication letter in Na.Ka.No. 2666/ 2023/Aa6 dated 13.08.2024 issued by the respondent No.3 and communication letter in O.Mu.No. 7965/24/Aa1 dated 24.09.2024 issued by the respondent No.2 and by considering the representation submitted by the petitioner dated 10.08.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Rajaselvan
For Respondents : Mr.S.Shaji Bino for R1 to R7
Special Government Pleader



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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 8 to 15, notice to the respondents 8 to 15 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondent Nos.1 to 7 to remove the encroachment made by the respondent Nos.8 to 15 on the public Road in Survey Nos. 246, 244, 244/1, 252 and 258 of Vekkaiyagoundanoor Vilage, Karattupatti, Pachalagoundanoor, Koovakkapatti Post, Vendasandur Taluk, Dindigul District on the basis of communication letter in Na.Ka.No. 2666/2023/Aa6 dated 13.08.2024 issued by the respondent No.3 and communication letter in O.Mu.No. 7965/24/Aa1 dated 24.09.2024 issued by the respondent No.2 and by considering the representation submitted by the petitioner dated 10.08.2024 in accordance with law.



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4. In order to remove the encroachment said to have been made by the respondents 8 to 15, the petitioner has given a representation on 10.08.2024. 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 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 official respondents herein to consider the petitioner's representation dated 10.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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petitioner and the respondents 8 to 15 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.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No
Index : Yes/No
RR



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A.D.MARIA CLETE, J.

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