



WP(MD). No.28850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2024

CORAM

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

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1. P. Palaniammal

2. P.Thangamari

... Petitioners

Vs

1. The District Collector (Monitoring Committee),
Dindigul District, Dindigul..

2. The District Revenue Officer,
Dindigul District, Dindigul..

3. The Sub Collector,
Palani Taluk, Dindigul District..

4. The Tahsildar,
Palani Taluk, Dindigul District..

5. The Executive Officer,
Ayakudi Town Panchayat,
Dindigul District..

6. Rajendran @ Muruganandam

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents Nos.1 to 5 to remove the encroachment made by the 6th respondent in S.F.No. 682/5 of West Ayakudi village, Palani Taluk, Dindigul District, based on the petitioners' representation dated 09.09.2024, within stipulated time as fixed by this Court.

For Petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mr.S.Shaji Bino for R1 to R5
Special Government Pleader

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 orders are going to be passed against the respondent No.6, notice to the respondent No.6 is dispensed with.

3. The petitioners have filed this writ petition for a mandamus to direct the respondents Nos.1 to 5 to remove the encroachment made by the 6th respondent in S.F.No. 682/5 of West Ayakudi village, Palani



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Taluk, Dindigul District, based on the petitioner's representation dated 09.09.2024.

4. In order to remove the encroachment alleged to have been made by the respondent No.6 in the aforesaid survey number, the petitioners have given a representation on 09.09.2024. Since the said representation has not been considered so far, the petitioners are 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.



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6. In the light of the above observations, there shall be a direction to the respondents 1 to 5 herein to consider the petitioners' representation dated 09.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and respondent No.6 as well as 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]

03.12.2024

NCC : Yes/No
Index : Yes/No
RR



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AND
A.D.MARIA CLETE, J.

RR

ORDER
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