



WP(MD). No.28892 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

**WP(MD). No.28892 of 2024
and WMP(MD) No.24474 of 2024**

V. Sundari

... Petitioner

Vs

**1. The District Collector,
Virudhunagar District,
Virudhunagar..**

**2. The Revenue Divisional Officer/
regional Monitoring Committee,
Sivakasi Taluk,
Virudhunagar District..**

**3. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District..**

**4. The Inspector of Police,
Satchiyapuram Police Station,
Virudhunagar District..**

**5. The Panchayat President,
Anaiyur Panchayat,
Sivakasi Taluk,
Virudhunagar District..**

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6. Ponmani,

7. Balamurugan,

8. Muthuraman,

9. Mareeswaran,

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to remove the encroachment made by the respondents No.6 to 9 by occupying the common pathway and constructing Vinayagar Temple in S.No.7/1D of Annaiyur Panchayat, Satchiyapuram, Sivakasi Taluk, Virudhunagar District on the basis of the petitioners representation dated 23.11.2024.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.SR.A.Ramachandran for R5
Additional Government Pleader
Mr.S.Shaji Bino for R1 to R3
Special Government Pleader
Mr.P.Kottaichamy for R4
Government Advocate (Crl. side)

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.

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2. Since no adverse orders are going to be passed against the respondents 6 to 9, notice to the respondents 6 to 9 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 2nd respondent to remove the encroachment made by the respondents 6 to 9 by occupying the common pathway and constructing Vinayagar Temple in S.No.7/1D of Annaiyur Panchayat, Satchiyapuram, Sivakasi Taluk, Virudhunagar District on the basis of the petitioner's representation dated 23.11.2024.

4. In order to remove the encroachment alleged to have been made by the respondents 6 to 9 in the aforesaid survey number, the petitioner has given a representation on 23.11.2024. 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



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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 2nd respondent herein to consider the petitioner's representation dated 23.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and respondents 6 to 9 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.



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7. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

03.12.2024

NCC : Yes/No

Index : Yes/No

RR

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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

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ORDER
IN
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Date : 03/12/2024