



**WP(MD). No.29183 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 05.12.2024**

**CORAM**

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

**WP(MD). No.29183 of 2024**

**S.Selvaraj**

**... Petitioner**

**Vs**

**1. The District Collector,  
Collectorate Buildings,  
Dindigul..**

**2. The Revenue Divisional Officer,  
Palani, Office at Indra Nagar,  
Palani..**

**3. The Tahsildar,  
Palani, Office at Indra Nagar,  
Palani.**

**4. TANGEDCO  
Through Its, Assistant Executive Engineer,  
Palani, Office at 77, Railway Feeder Road,  
Anna Nagar, Palani..**

**5. Shanmuga Sundaram,,**

**6. S. Sulaiman**

**... 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 1 to 4 to take action and remove the encroachment by the 5<sup>th</sup> respondent in the Government poramboke land in S.No. 37 of Eravimangalam Revenue Village, Palani Taluk and restore the same to its original position as a Kalam for its use by villagers and further direct the 4<sup>th</sup> respondent to prevent the unauthorised use of electric connection granted to 6<sup>th</sup> respondent in the adjacent land in service number. 05293005698 for use in S.No. 37 of Eravimangalam Village by encroacher within the stipulated time and to take appropriate action against the private respondent or anybody obstructing the work of the official respondents.

For Petitioner : Mr.H.Lakshmi Shankar  
For Respondents : Mr.S.Shaji Bino for R1 to R3  
Special Government Pleader  
Mr.S.Deenadayalan for R4

### **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.4, notice to the respondent No.4 is dispensed with.

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3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to take action and remove the encroachment by the 5<sup>th</sup> respondent in the Government poramboke land in S.No. 37 of Eravimangalam Revenue Village, Palani Taluk and restore the same to its original position as a Kalam for its use by villagers and further direct the 4<sup>th</sup> respondent to prevent the unauthorized use of electric connection granted to the 6<sup>th</sup> respondent in the adjacent land in service number 05293005698 for use in S.No. 37 of Eravimangalam Village by encroacher within the stipulated time and to take appropriate action against the private respondent or anybody obstructing the work of the official respondents.

4. The petitioner has given a representation to the 2<sup>nd</sup> respondent on 21.05.2024 to remove the encroachment said to have made by the 5<sup>th</sup> respondent and to direct the 4<sup>th</sup> respondent to prevent the unauthorized usage of electricity service connection by the 6<sup>th</sup> respondent in S.No. 37 of Eravimangalam Village. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



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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 2<sup>nd</sup> and 4<sup>th</sup> respondents herein to consider the petitioner's representation dated 21.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 and 6 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.



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

No costs.

**[M.S.R.,J]**

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

**05.12.2024**

NCC : Yes/No

Index : Yes/No

RR

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