



WP(MD). No.29305 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2024

CORAM

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

WP(MD). No.29305 of 2024

K.Panneerselvam

... Petitioner

Vs

**1. The District Collector,
Tiruchirappalli.**

**2. The Revenue Divisional Officer,
Musiri Division,
Tiruchirappalli.**

**3. The Tahsildar / Monitoring Committee,
Musiri Taluk,
Tiruchirappalli.**

**4. S.Latha,,
W/o Sakthivel,
No.3/33, Jadamangalam Village,
Musiri Taluk,
Tiruchirappalli.**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the 3rd respondent to initiate appropriate action to remove the encroachment in



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S.No. 594, Jambumadai Village, Murisi Taluk, Tiruchirappalli District
based on petitioner's representation dated 16.08.2024.

For Petitioner : Mr.K.K.Udayakumar
For Respondents : Mr.S.Shaji Bino for R1 to R3
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 order is going to be passed against the respondent No.4, notice to the respondent No.4 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 3rd respondent to initiate appropriate action to remove the encroachment in S.No. 594, Jambumadai Village, Murisi Taluk, Tiruchirappalli District based on petitioner's representation dated 16.08.2024.



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4. In order to remove the encroachment said to have been made in the aforesaid survey number, the petitioner has given a representation on 16.08.2024. 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 3rd respondent herein to consider the petitioner's representation dated 16.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and



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the 4th respondent 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]

05.12.2024

NCC : Yes/No
Index : Yes/No
RR



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To

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3. The Tahsildar / Monitoring Committee,
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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 05/12/2024