



W.P.(MD).No.29656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM

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

W.P.(MD).No.29656 of 2024

Karthick

... Petitioner

Vs.

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.
- 3.The Tahsildar,
Viralimalai,
Pudukkottai District.
- 4.The Block Development Officer,
Viralimalai,
Pudukkottai District.
- 5.The Village Administrative Officer,
Kathalur Panchayat,
Sevanthiyandipatti,
Viralimalai,
Pudukkottai District.



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6.The Secretary,
Kathalur Panchayat Office,
Viralimalai,
Pudukkottai District.

7.Rasu

8.Padmanaban

9.Kannan

10.Kumar

11.Sasikumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 6 to remove the encroachment in S.F.No.123/1 made by the respondents No.7 to 11 by demarcate the boundaries and erect, its pillar stone and the respondents No.1 to 6 permit the petitioner (villagers) to do erect the gravel pathway via survey Number 118 and 123 for the farmers purpose on the basis of the petitioner's representation dated 18.11.2024 and consider the petitioner's representation dated 18.11.2024.

For Petitioner : Mr.Kannan Gurusami

For R-1 to R-6 : Mr.P.Thilak Kumar
Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.



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2. This Writ Petition has been filed for a Mandamus to direct the respondents 1 to 6 to remove the encroachment in S.F.No.123/1 made by the respondents 7 to 11 by demarcating the boundaries and erecting its pillar stone and to permit the petitioner (villagers) to do erect the gravel pathway via Survey Numbers 118 and 123 for the farmers purpose on the basis of the petitioner's representation dated 18.11.2024.

3. Since no adverse orders are going to be passed against the respondents 7 to 11, notice to the respondents 7 to 11 is hereby dispensed with.

4. The petitioner herein had given a representation to the respondents 1 to 4 on 18.11.2024 to remove the encroachment alleged to have been made by the respondents 7 to 11 in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him 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



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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 respondents 1 to 6 herein to consider the petitioner's representation dated 18.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 7 to 11, as well as all other persons, who may be interested in the subject matter, within a period of three (3) 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. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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and
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