



W.P.(MD).No.29708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.29708 of 2024

Murugesan

... Petitioner

Vs.

1.The District Collector Cum Monitoring Committee,
Sivagangai District.

2.The Block Development Officer,
Thiruppathur Taluk,
Sivagangai District.

3.The Tahsildhar,
Thiruppathur Taluk,
Sivagangai District.

4.Karuppaiah

5.Lakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent nos.1 to 3 herein to remove the encroachment made by the respondent no.5 in the common public road comprised in Sur.No.438/2 situated at Kundrakudi, Thiruppathur Taluk, Sivagangai District within a stipulated time period in accordance with law by



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considering the petitioner representations dated 12.08.2024, 18.09.2024 and 25.09.2024.

For Petitioner : Mr.C.Senthil Murugan
For R-1 to R-3 : Mr.J.Ashok
Additional Government Pleader

ORDER

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

2. This Writ Petition has been filed for a Mandamus to direct the respondents 1 to 3 herein to remove the encroachment made by the fifth respondent in the common public road comprised in Survey No.438/2 situated at Kundrakudi, Thiruppathur Taluk, Sivagangai District within a stipulated time period in accordance with law by considering the petitioner's representations dated 12.08.2024, 18.09.2024 and 25.09.2024.

3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.



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4. The petitioner herein had given a representation to the first respondent on 25.09.2024 to remove the encroachment alleged to have been made by the respondents 4 and 5 in the public road. 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 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 3 herein to consider the petitioner's representation dated 25.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5, as well as all other persons, who may be interested in the subject matter, within



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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

To

- 1.The District Collector Cum Monitoring Committee,
Sivagangai District.
- 2.The Block Development Officer,
Thiruppathur Taluk,
Sivagangai District.
- 3.The Tahsildhar,
Thiruppathur Taluk,
Sivagangai District.



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

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