



W.P.(MD).No.29806 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.29806 of 2024

Ramasamy

... Petitioner

Vs.

1.The District Collector (Monitoring Committee),
O/o.District Collectorate,
Thoothukudi District.

2.The Revenue Divisional Officer,
Srivaikundam Taluk Office,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

4.The Block Development Officer,
Panchayat Union Office,
Karungulam,
Thoothukudi District.

5.S.Paramasivan

... 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 4 to remove the illegal encroachment made by the way of constructing building by the 5th



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respondent in public pathway situated in Survey Number 55/3B1 situated at Sennelpatti Village, Murappanadu Kovilpathu Panchayat, Srivaikundam Taluk, Thoothukudi District within the time frame stipulated by this Court.

For Petitioner : Mr.S.Sathyachidambaram
For R-1 to R-4 : Mr.S.R.A.Ramachandran
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 4 to remove the illegal encroachment made by way of constructing building by the 5th respondent in public pathway situated in Survey Number 55/3B1 situated at Sennelpatti Village, Murappanadu Kovilpathu Panchayat, Srivaikundam Taluk, Thoothukudi District within the time frame stipulated by this Court.

3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.



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4. The petitioner herein had given a representation to the first respondent on 02.09.2024 to remove the encroachments alleged to have been made by the fifth respondent in the public pathway. 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 4 herein to consider the petitioner's representation dated 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent, 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



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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

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and
A.D.MARIA CLETE,J.

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