



WP(MD). No.29940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM

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

WP(MD). No.29940 of 2024

Oorkavalan

... Petitioner

Vs

1. The District Collector / Monitoring Committee
Madurai,
Madurai District..

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai,
Madurai District..

3. The Tahsildar,,
Kallikudi Tahsildar Office,
Kallikudi,
Madurai District..

4. The Block Development Officer,
Block Development Office,
Kallikudi,
Madurai District..

5. The President,,
Kuraayur Village Panchayat,
Madurai District..

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6. Lingam,

... 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 1st to 5th respondents to remove the encroachments made in S. No. 1/1, Public pathway at Kuraayur Village Bit II, Kuraayur Panchyath, Kallikudi Taluk, Madurai District based on the petitioner's representation dated 22.07.2024.

For Petitioner : Mr.R.Micheal Sebastin
For Respondents : Mr.S.Shaji Bino for R1 to r4
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 orders are going to be passed against the private respondent, notice to the private respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 1st to 5th respondents to remove the encroachments made in



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S.No. 1/1, Public pathway at Kuraayur Village Bit II, Kuraayur Panchyath, Kallikudi Taluk, Madurai District based on the petitioner's representation dated 22.07.2024.

4. In order to remove the encroachments made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 22.07.2024. 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.



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6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.07.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 6th 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]

12.12.2024

NCC : Yes/No

Index : Yes/No

RR



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

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ORDER
IN
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