



WP(MD). No.30026 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM

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

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Vijayalakshmi

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Thanjavur District..

2. The Revenue Divisional Officer,
Pattukottai, Thanjavur District..

3. The Tahsildar,
Pattukottai Taluk Office,
Thanjavur District..

4. The Commissioner,
Adirampattinam Municipality,
Adirampattinam,
Thanjavur District..

5. Lakshmi Kanthan

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the



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respondents 1 to 4 to remove the encroachment made by the respondent 5 in the public pathway in Survey No.339/33 situated at Arumugakittangi Street, Adirampattinbam, Pattukottai Taluk, Thanjavur District by considering the petitioner representation dated 23.10.2024.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For Respondents : Mr.P.Thilak Kumar for R1 to R3
Government Pleader
Mr.P.Thirumahilmaran for R4

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 respondent No.5, notice to the 5th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to remove the encroachment made by the respondent No.5 in the public pathway in Survey No.339/33 situated at Arumugakittangi Street, Adirampattinbam, Pattukottai Taluk, Thanjavur



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District by considering the petitioner's representation dated 23.10.2024.

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4. In order to remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 23.10.2024. 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 respondents 1 to 4 herein to consider the petitioner's representation



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dated 23.10.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th 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]

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NCC : Yes/No

Index : Yes/No

RR



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

RR

ORDER
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Date : 12/12/2024