



WP(MD). No.29942 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

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M.Saravanan @ Vaigai Saravan

... Petitioner

Vs

**1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai..**

**2. The District Collector / Monitoring Committee,
District Collector Office,
Sivagangai District..**

**3. The Tahsildar,
Tahsildar Office, Kalaiyarkovil,
Sivagangai District..**

**4. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Kalaiyarkovil, Sivagangai District..**

5. Venkitu

6. A. Sesu Sathiyagu

7. Rathinam

... 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, to direct the respondents No. 2 to 4 to remove the encroachment in Government poramboke land in S.No. 422/3 consists of 80 cents situated in a Kollangudi Revenue Village, namely Kallanai, Kalaiyar Kovil Block, Sivagangai District made by the 6th and 7th respondents based on the petitioner's representations dated 30.09.2024 and 06.11.2024.

For Petitioner : Mr.S.Vanchinathan
For Respondents : Mr.P.Thilak Kumar
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 order is going to be passed against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.2 to 4 to remove the encroachment in



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Government poramboke land in S.No. 422/3 consists of 80 cents situated in a Kollangudi Revenue Village, namely Kallanai, Kalaiyar Kovil Block, Sivagangai District made by the 6th and 7th respondents based on the petitioner's representations dated 30.09.2024 and 06.11.2024.

4. In order to remove the encroachment alleged to have been made in the aforesaid survey number by the respondents 6 and 7, the petitioner has given a representation to the official respondents on 30.09.2024 and 06.11.2024. Since the said representations have 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 2 to 4 herein to consider the petitioner's representation dated 30.09.2024 and 06.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 7 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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