



W.P.(MD).No.30415 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.12.2024

CORAM

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

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T.Lathies Bhasker

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary and
Commissioner for Land Administration,
Ezhilagam,
Chepauk, Chennai – 600 005.
- 3.The District Collector / Monitoring Committee,
Collectorate at Nagercoil,
Kanyakumari District.
- 4.The Block Development Officer (Village Panchayat),
Thovalai Taluk,
Kanyakumari District.
- 5.The Panchayat President,
Thidal Panchayat,
Panchayat Office, Thidal Village,
Thovalai Taluk,
Kanyakumari District.



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6.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

7.The Village Administrative Officer,
Thidal Village Panchayat,
Thovalai Taluk,
Kanyakumari District.

8.Moorthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1 to 7 respondents to remove the encroachment made by the 8th respondent in Survey Number 633/22 of public North Street of Thidal Village as per the petitioner's representation dated 05.11.2024.

For Petitioner : Mr.S.Sureshkumar

For R-1 to R-7 : Mr.P.Thilak Kumar

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 Mandamus to direct the respondents 1 to 7 to remove the encroachment made by the 8th respondent in Survey Number 633/22 of public North Street of Thidal Village as per the petitioner's representation dated 05.11.2024.



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

4. The petitioner herein along with other villagers had given a representation to the official respondents on 05.11.2024, to remove the encroachment alleged to have been made by the eighth respondent in the subject lands. 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 7 herein to consider the petitioner's representation dated



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05.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the eighth respondent herein, 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 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.)
16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Secretary,
The Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The Principal Secretary and
Commissioner for Land Administration,
Ezhilagam,
Chepauk, Chennai – 600 005.



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3. The District Collector / Monitoring Committee,
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Kanyakumari District.
4. The Block Development Officer (Village Panchayat),
Thovalai Taluk,
Kanyakumari District.
5. The Panchayat President,
Thidal Panchayat,
Panchayat Office, Thidal Village,
Thovalai Taluk,
Kanyakumari District.
6. The Tahsildar,
Thovalai Taluk,
Kanyakumari District.
7. The Village Administrative Officer,
Thidal Village Panchayat,
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and
A.D.MARIA CLETE,J.

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