



WP(MD). No.29995 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.29995 of 2024
and WMP(MD) No.25257 of 2024**

R.Karuppasamy @ R.K.Samy

... Petitioner

Vs

- 1. The Commissioner,
HR and CE Department, Chennai..**
- 2. The Joint Commissioner,
HR and CE Department, Dindigul..**
- 3. The Assistant Commissioner,
HR and CE Department, Theni..**
- 4. The District Collector / Monitoring Committee,
Collectorate, Madurai..**
- 5. The Revenue Divisional Officer,
Usilampatti Taluk, Madurai District..**
- 6. The Tahsildar,
Taluk Office, Usilampatti Taluk,
Madurai District..**
- 7. The Block Development Officer,
Sellampatty Panchayat Union,
Sellampatty, Madurai District..**



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8. Vinothkumar

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents 1 to 7 to take appropriate steps to remove the illegal construction made by the 8th respondent in the temple property in the vicinity of the temple tank in SF. No. 390/29 of Vikkiramangalam village, Usilampatty Taluk, Madurai District.

For Petitioner : Mr.R.Paranjothi
For Respondents : Mr.P.Thilak Kumar for R1 to R7
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 respondent No.8, notice to the 8th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 7 to take appropriate steps to remove the



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illegal construction made by the 8th respondent in the temple property in the vicinity of the temple tank in SF. No. 390/29 of Vikkiramangalam village, Usilampatty Taluk, Madurai District.

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 25.11.2024. 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 1 to 7 herein to consider the petitioner's representation dated 25.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 8th 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. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

12.12.2024

NCC : Yes/No
Index : Yes/No
RR



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AND
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ORDER
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