



WP(MD). No.30135 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.12.2024

CORAM

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

WP(MD). No.30135 of 2024

V.P.Velmurugan

... Petitioner

Vs

**1. The District Collector,
Theni District..**

**2. The District Revenue Officer,
Theni District..**

**3. The Revenue Divisional Officer,
Uthamapalayam,
Theni District..**

**4. The Tahsildar,
Uthamapalayam Taluk,
Theni District..**

**5. The Commissioner,
Cumbum Municipality,
Theni District..**

... Respondents

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



WP(MD). No.30135 of 2024

respondents herein to remove the encroachment in the access road of Kamayakoundanpatti to Cumbum upto LF Road, Kumily - Cumbum National Highways situated in TS Nos.25, 26, Block No.10, Survey Ward B, Municipality Ward No.21 and its continuation in Issac Bothagar Street in TS Nos.7, 8, 9, Block No.10, Survey Ward B, Municipality Ward No.21 based on the representation of the petitioner dated 23.09.2024.

For Petitioner : Mr.A.K.Manikkam
For Respondents : Mr.P.Thilak Kumar for R1 to R\$
Government Pleader
Mr.Hema Karthikeyan for R5

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. The petitioner has filed this writ petition for a mandamus to direct the respondents herein to remove the encroachment in the access road of Kamayakoundanpatti to Cumbum upto LF Road, Kumily - Cumbum National Highways situated in TS Nos.25, 26, Block No.10, Survey Ward B, Municipality Ward No.21 and its continuation in Issac



WP(MD). No.30135 of 2024

Bothagar Street in TS Nos.7, 8, 9, Block No.10, Survey Ward B, Municipality Ward No.21 based on the representation of the petitioner dated 23.09.2024.

3. In order to remove the encroachment said to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 23.09.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

4. 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.



WP(MD). No.30135 of 2024

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 23.09.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner 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.

6. 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



WP(MD). No.30135 of 2024

To

1. The District Collector,
Theni District..

2. The District Revenue Officer,
Theni District..

3. The Revenue Divisional Officer,
Uthamapalayam,
Theni District..

4. The Tahsildar,
Uthammapalayam Taluk,
Theni District..



WEB COPY



WP(MD). No.30135 of 2024

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

RR

ORDER
IN
WP(MD) No.30135 of 2024

Date : 12/12/2024