



W.P.(MD)No.29953 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29953 of 2024

and

W.M.P.(MD)No.25233 of 2024

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... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Assistant Director (Panchayat),
Pudukkottai District,
Pudukkottai.
3. The Block Development Officer (V.P.),
Thiruvarankulam Union,
Pudukkottai District.
4. The Panchayat President,
Keelathoor Panchayat,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent not to lay the road in Survey Number. 435/18 situated at Keelathur Village, Alangudi Taluk,



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Pudukkottai District and based on the representation dated 05.12.2024 and grievance day petition dated 09.12.2024.

For Petitioner : Mr.A.Xavier Antony Samy
For Respondents : Mr.T.Amjad Khan (R1 & R2)
Government Advocate
Mr.R.Suryananth (R3 & R4)
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the 3rd respondent to consider the representation dated 05.12.2024 seeking not to lay the road in Survey No.435/18 situated at Keelathur Village, Alangudi Taluk, Pudukkottai District and based on and grievance day petition dated 09.12.2024.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.



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4. The petitioner owns the subject property, wherein the petitioner is doing agriculture. While this being so, the third and fourth respondents are proposed to lay a road in the subject property. Hence, the petitioner has made a representation on 05.12.2024 with regard to the same. Since the same has not been considered, this 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 05.12.2024 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.



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7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

WEB COPY

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Pudukkottai.
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Pudukkottai District.



WEB COPY



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.29953 of 2024

Dated
11.12.2024