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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

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

W.P.(MD).No.30319 of 2024
and
W.M.P.(MD).No.25504 of 2024

R.Murugan ... Petitioner

Vs.

1.The District Collector,
Collector Office,
Tirunelveli,
Tamil Nadu - 627 009.

2.The District Revenue Divisional Officer,
Collector Office,
Tirunelveli,
Tamil Nadu - 627 009.

3.The Revenue Thasildar,
Kokkarikulam,
Palayamkkottai,
Tirunelveli,
Tamil Nadu - 627 009.

4.The Village Administrative Officer,
Village Administrative Office,
Keelmunnirpalam,
Tirunelveli,
Tamil Nadu - 627 356.

5.A.Murugesan ... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to consider the petitioner's representation dated 28.10.2024 and consequently direct the 3rd respondent to demolish and remove the illegal encroachment made in the Government porambokku land in Survey No.1193/43 within a time frame which may be fixed by this Court.

For Petitioner : Mr.M.Bazeerdeen
For R-1 to R-4 : 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 consider the petitioner's representation dated 28.10.2024 and consequently, direct the 3rd respondent to demolish and remove the illegal encroachment made in the Government porambokku land in Survey No.1193/43 within a time frame which may be fixed by this Court.

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

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4. The petitioner herein had given a representation to the respondents 1 to 4 on 28.10.2024, to remove the encroachment alleged to have been made by the fifth 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 4 herein to consider the petitioner's representation dated 28.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth 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

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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. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
16.12.2024

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

To
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3.The Revenue Thasildar,
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M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

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