



W.P.(MD).No.30275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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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N.Selvaraj

... Petitioner

Vs.

- 1.The Collector / Monitoring Committee,
Trichirappalli District,
Trichy.
- 2.The District Revenue Officer,
Tiruchirappalli.
- 3.The Revenue Divisional Officer,
Musiri.
- 4.The Tahsildar,
Musiri Taluk,
Musiri.
- 5.The Deputy Superintendent of Police,
Musiri Range,
Musiri.
- 6.The Block Development Officer,
Musiri.
- 7.The President,
Thandalaiputhur Village Panchayat,
Musiri Taluk, Trichy District.



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8.Rajendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, by directing the respondents 1 to 6 to forthwith remove the encroachment put up by the 8th respondent on the public road in S.No.464/10, Thandalaiputhur Village, Musiri Taluk, Trichy District pursuant to the notices issued under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 25.09.2024 and 10.10.2024 issued by the respondents.

For Petitioner : Mr.V.Vijayshankar

For R-1 to R-4 & R-6 : Mr.S.R.A.Ramachandran

Additional Government Pleader

For R-5 : Mr.P.Kottai Chamy

Government Advocate (Crl. Side)

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, directing the respondents 1 to 6 to forthwith remove the encroachment put up by the 8th respondent on the public road in S.No.464/10, Thandalaiputhur Village, Musiri Taluk, Trichy District pursuant to the notices issued under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 25.09.2024 and 10.10.2024 issued by the respondents.



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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 had given a representation to the first respondent on 13.09.2024 to remove the encroachment alleged to have been made by the eighth respondent in the public road, which was forwarded to the respondents 3, 4 and 6. 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 6 herein to consider the petitioner's representation dated 13.09.2024, on its own merits and pass appropriate orders in accordance with



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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

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4. The Tahsildar,
Musiri Taluk,
Musiri.

5. The Deputy Superintendent of Police,
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6. The Block Development Officer,
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7. The President,
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