



W.P.(MD).No.30369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.30369 of 2024
and
W.M.P.(MD).No.25544 of 2024

Tamilselvan

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 4.The Tahsildar,
Athur Taluk,
Dindigul District.
- 5.The Block Development Officer,
Athur Taluk,
Dindigul.



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6.The Head Surveyor,
Athur Taluk,
Dindigul.

7.The President,
Munnialakottai Panchayath,
Dindigul.

8.The Village Administrative Officer,
Munnialakottai Panchayat,
Dindigul.

9.The Inspector of Police,
Chinnalapatti,
Dindigul.

10.Ramasamy

11.Alagarsamy

12.Subramani

13.Balamurugan

14.Mayanperumal

15.Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents 1 to 9 forbear the private parties including respondents 10 to 15 not to obstruct or lock the pathway in Survey Nos.484, 485 and 496 and further direct the respondents 1 to 8 to lay the road in Survey Nos.484, 485 and 496 common pathway (Vandipathai) situated at Pannaipatti Village, Munnialakottai Panchayat, Athur Taluk, Dindigul District and restore the Vandipathai within the period that may be stipulated by this Court.



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For Petitioner : Mr.P.Manikandan
For R-1 to R-6 & R-8 : Mr.S.Shaji Bino
Special Government Pleader
For R-9 : 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 9 to forbear the private parties including respondents 10 to 15 not to obstruct or lock the pathway in Survey Nos.484, 485 and 496 and further direct the respondents 1 to 8 to lay the road in Survey Nos.484, 485 and 496 common pathway (Vandipathai) situated at Pannaipatti Village, Munnilaikottai Panchayat, Athur Taluk, Dindigul District and restore the Vandipathai within the period that may be stipulated by this Court.

3. Since no adverse orders are going to be passed against the respondents 10 to 15, notice to the respondents 10 to 15 is hereby dispensed with.



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4. The petitioner herein had given a representation to the official respondents on 21.11.2024 to prevent the private parties including respondents 10 to 15 from obstructing or locking the pathway and to lay the road in the common pathway (Vandipathai) and restore the same. 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 9 herein to consider the petitioner's representation dated 21.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 10 to 15 herein, as well as all other persons, who may be interested in the subject matter,



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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. 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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Dindigul.
- 2.The District Revenue Officer,
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