



W.P.(MD).No.30485 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**

W.P.(MD).No.30485 of 2024

M.Alagarraja

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Office of the District Collector,
Theni,
Theni District.
- 2.The Assistant Director (Village Panchayat),
O/o. Assistant Panchayat (Village Panchayat),
Theni,
Theni District.
- 3.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam Taluk,
Theni District.
- 4.The Block Development Officer, (Village Panchayat),
Uthamapalayam Panchayat,
Uthamapalayam Panchayat Office,
Uthamapalayam Taluk,
Theni District.



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5. The President,
Aanamalayanpatti Panchayat,
Aanamalayanpatti Panchayat Office,
Aanamalayanpatti,
Uthamapalayam Taluk,
Theni District.

6. The Village Administrative Officer,
O/o. Village Administrative Office,
Aanaimalayanpatti,
Uthamapalayam Taluk,
Theni District.

7. A. Pramaraaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the 7th respondent in SF No.53 situated at Aanamalayanpatti Village by considering the petitioner's representation dated 13.11.2024.

For Petitioner : Mr.M.A.M.Raja
For R-1 to R-4 : Mr.P.Thilak Kumar
& R-6 Government Pleader

ORDER

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



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2. This Writ Petition has been filed for Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the 7th respondent in SF No.53 situated at Aanamalayapatti Village by considering the petitioner's representation dated 13.11.2024.

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

4. The petitioner herein had given a representation to the official respondents on 13.11.2024 to remove the encroachments alleged to have been made by the seventh 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



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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 13.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the seventh 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



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Uthamapalayam Panchayat Office,
Uthamapalayam Taluk,
Theni District.
5. The President,
Aanamalayanpatti Panchayat,
Aanamalayanpatti Panchayat Office,
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