



W.P.(MD).No.30476 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.30476 of 2024

S.Rajesh Kanna

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer / Chairperson,
Divisional Monitoring Committee,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Kovilpatti,
Thoothukudi District.

4.The Municipal Commissioner,
Kovilpatti,
Thoothukudi District.

5.Kesavarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, seeking direction that the respondents No.1 and 2 herein to remove the encroachment made in 'Sarkar Poromboke' land which situated at Old Survey No.278/2PT, 278/4PT and New Survey No.3/1,



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Ettayapuram Road, Kovilpatti Town, Thoothukudi District and consequently direct the 4th respondent herein to demolish the unauthorized construction on Government land by considering the petitioner's representations dated 14.06.2024 and 18.06.2024 within a stipulated time as prescribed by this Court and consequently direct them to give opportunity of hearing to the petitioner before passing final order.

For Petitioner : Mr.S.Saravanan
For R-1 to R-3 : 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, directing the respondents 1 and 2 herein to remove the encroachment made in 'Sarkar Poromboke' land situated at Old Survey No.278/2PT, 278/4PT and New Survey No.3/1, Ettayapuram Road, Kovilpatti Town, Thoothukudi District and consequently, direct the 4th respondent herein to demolish the unauthorized construction on Government land by considering the petitioner's representations dated 14.06.2024 and 18.06.2024 within a stipulated time as prescribed by this Court and consequently, direct them to give opportunity of hearing to the petitioner before passing final order.



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

4. The petitioner herein along with other social activists had given a representation to the first and second respondents on 18.06.2024 to remove the encroachment made in 'Sarkar Poromboke' land situated at Old Survey No.278/2PT, 278/4PT and New Survey No.3/1, Ettayapuram Road, Kovilpatti Town, Thoothukudi District. 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 first and second respondents herein to consider the petitioner's representation



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dated 18.06.2024, 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 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

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer / Chairperson,
Divisional Monitoring Committee,
Kovilpatti,
Thoothukudi District.



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3. The Tahsildar,
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