



W.P.(MD)No.360 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.360 of 2025

V.Saroja

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Theni District,
Theni.

2.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
Theni Zone,
Theni District.

3.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.



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- 4.The Block Development Officer (Village Panchayats),
Uthamapalayam Panchayat Union,
Uthamapalayam,
Theni District.
- 5.The Assistant Divisional Engineer,
Highways (Construction and maintenance),
Bodinayakanoor,
Theni District.
- 6.The Assistant Divisional Engineer,
Highways (Construction and maintenance),
Theni, Theni District.
- 7.The Assistant Divisional Engineer,
Highways (Construction and maintenance),
Uthamapalayam,
Theni District.
- 8.The Executive Officer,
Markayankottai Town Panchayat,
Markayankottai,
Uthamapalayam Taluk,
Theni District.



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9.Suresh

10.Satheesh

11.Rajamani

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 8 herein to consider the petitioner's representations dated 07.08.2023 and 04.12.2023 in accordance with law by removing the encroachments put up by the respondents 9 to 11 at Survey No.380 situated at Pulikuthi – U.Ammapatti Road, Markayan Kottai revenue village, Markayan Kottai, Uthamapalayam Taluk, Theni District within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For Respondents 1 to 7 : Mr.J.Ashok

Additional Government Pleader

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

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



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2.This writ petition has been filed for a Mandamus to direct the 1 to 8 herein to consider the petitioner's representations dated 07.08.2023 and 04.12.2023 in accordance with law by removing the encroachments put up by the respondents 9 to 11 at Survey No.380 situated at Pulikuthi – U.Ammappatti Road, Markayan Kottai revenue village, Markayan Kottai, Uthamapalayam Taluk, Theni District.

3.Since this Court is directing the respondents 1 to 8 to consider the petitioner's representations, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given representation to the official respondents on 04.12.2023, in this regard. 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



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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 8 to consider the petitioner's representation dated 04.12.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and respondents 9 to 11, as well as all other persons, who may be interested in the subject property, 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.



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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and

A.D.MARIA CLETE, J.

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ORDER MADE IN

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