



WP(MD). No.540 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.540 of 2025

T.Velpandi Kurumans

... Petitioner

Vs

**1. The District Collector,
Theni District,
Theni..**

**2. The Assistant Director of Town Panchayat,
Theni Region,
Theni - 31..**

**3. The Executive Officer,
Poothipuram Town Panchayat,
Poothipuram,
Theni District..**

4. S.Bose

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent herein to implement the order of the 2nd respondent in his proceedings in Na.Ka.No.3173/2024/Peru 3, dated 12.07.2024 within a time limit as stipulated by this Court.

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For Petitioner : Mr.P.Sivachandran
For Respondents : Mr.J.Ashok for R1 to R3
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.

2. Since no adverse orders are going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 3rd respondent herein to implement the order of the 2nd respondent in his proceedings in Na.Ka.No.3173/2024/Peru 3, dated 12.07.2024 within a time limit as stipulated by this Court.

3. For removing the encroachment made by the 4th respondent, the petitioner has given a representation to the official respondents on 08.07.2024. Subsequently, the 2nd respondent has issued a proceedings dated 12.07.2024. Pursuant to the said proceedings, the encroachment



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has not been removed. In order to implement the same, the petitioner is before this Court with this writ petition.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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.

5. In the light of the above observations, there shall be a direction to the 3rd respondent herein to consider the petitioner's representation dated 08.07.2024 on its own merits and pass appropriate orders in accordance with law and also in the light of the proceedings of the 2nd respondent dated 12.07.2024, after giving due opportunity to the petitioner and the private respondent as well as all other persons, who may be interested in the subject matter, within a period of three months



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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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

08.01.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The District Collector,
Theni District,
Theni..

2. The Assistant Director of Town Panchayat,
Theni Region,
Theni - 31..



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
WP(MD) No.540 of 2025

Date : 08.01.2025