



WP(MD). No.981 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2025

CORAM

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

WP(MD). No.981 of 2025

N.Mathiyalagan

... Petitioner

Vs

**1. The District Collector,
Pudukkottai Collectorate,
Pudukkottai..**

**2. The Superintendent (High Way Department),
Construction and Maintenance Division Trichy,
Trichy - 20..**

**3. The Divisional Engineer (Highway Department),
Construction and Maintenance Division Pudukkottai,
Pudukkottai..**

**4. The Assistant Engineer,
Alangudi,
Pudukkottai District..**

**5. The Thasildar,
Alangudi Taluk,
Pudukkottai District..**

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to take appropriate steps to conduct the survey in the Kallangudi to Alangadu OTR Road, and Pudukottai - Alangudi -Sethubavachathiram SH71 Road situated at Kallalangudi village and remove the encroachments in the light of the proceedings of the 3rd respondent in Na.Ka.15/2024. E.Va.A-1/ dated 19.11.2024 by considering petitioner's representation 28.10.2024 within a stipulated time by this Court.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

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

2. The writ petition has been filed for a direction to the respondents to take appropriate steps to conduct the survey in the Kallangudi to Alangadu OTR Road, and Pudukottai - Alangudi -Sethubavachathiram SH71 Road situated at Kallalangudi village and remove the encroachments in the light of the proceedings of the 3rd respondent in Na.Ka.15/2024. E.Va.A-1/ dated 19.11.2024 by

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considering petitioner's representation 28.10.2024 within a stipulated time by this Court.

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3. In order to take steps to conduct a survey in the Kallangudi to Alangadu OTR Road, and Pudukottai - Alangudi -Sethubavachathiram SH71 Road and to remove the alleged encroachment said to have been made, the petitioner has given a representation to the official respondents on 28.10.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this 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.



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5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 28.10.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of three 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.

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

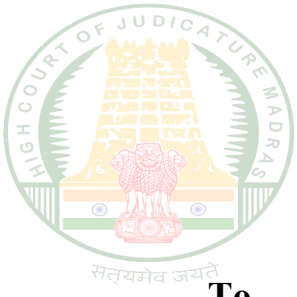
No costs.

[M.S.R.,J]

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

10.01.2025

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