



WP(MD). No.858 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2025

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

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S.Vellaikannu

... Petitioner

v.

**1. The Tahsildhar,
Devakottai,
Karaikudi..**

**2. The Block Development Officer,
Office of the Block Development Officer,
Sivagangai..**

**3. The President,
Office of the Thennervayal Panchayat President,
Udanpatti Village,
Sivagangai District..**

4. K.Sambath

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in the pathway in Survey Nos. 29/2A, Thaneervayal Group, Udanpatti Village, Karaikudi District,



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Devakottai Subdivision, classified as pathway in the revenue records as per the representation of the petitioner 19.12.2024 and consequently to maintain the Survey Nos. 29/2A, Thaneervayal Group, Udanpatti Village, Karaikudi District, Devakottai Subdivision, classified as pathway in the revenue records for passage of villagers with ingress and egress free from encroachment.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.S.Shaji Bino for R1 and R2
Special Government Pleader
Mr.S.R.A.Ramachandran for R3
Addl. 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 respondent No.5, notice to the 5th respondent is dispensed with.

3. The writ petition has been filed for a direction to the respondents 1 to 4 to remove the encroachment in the pathway in Survey Nos. 29/2A, Thaneervayal Group, Udanpatti Village, Karaikudi District,



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Devakottai Subdivision, classified as pathway in the revenue records as per the representation of the petitioner 19.12.2024 and consequently to maintain the Survey Nos. 29/2A, Thaneervayal Group, Udanpatti Village, Karaikudi District, Devakottai Subdivision, classified as pathway in the revenue records for passage of villagers with ingress and egress free from encroachment.

4. In order to remove the alleged encroachment said to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 19.12.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

5. 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



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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 concerned respondent to consider the petitioner's representation dated 19.12.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondent 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.

7. With the above direction, the Writ Petition stands disposed of.
No costs.

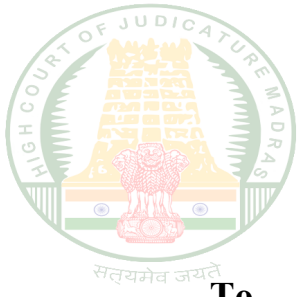
[M.S.R.,J]

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

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