

WP(MD). No.2363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

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

WP(MD). No.2363 of 2025

Selvam

... Petitioner

Vs

1. The District Collector / Monitoring Committee,
District Collectors Office,
Trichy-1,
Trichy District.

2. The Commissioner,
Manachanallur Panchayat Union,
Manachanallur,
Trichy District..

3. The Block Development Officer,
Manachanallur Panchayat Union,
Manachanallur,
Trichy District..

4. Panneer

5. Mariappan

6. Subramani

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the 2nd respondent herein to remove the encroachments committed by 4 to 6 respondents herein situated at Trichy District, Manachanallur Taluk, Thiruvellarai Village, S.F.No.209/2, Thendral Nagar House site lay-out in the light of petitioner's representation dated 23.09.2024.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.S.Shaji Bino for R1 to R3
Special Government Pleader

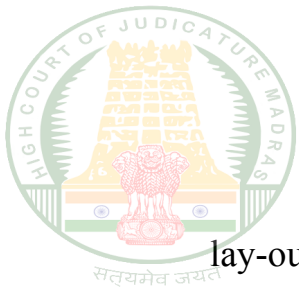
ORDER

(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 respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 2nd respondent herein to remove the encroachments committed by 4 to 6 respondents herein situated at Trichy District, Manachanallur Taluk, Thiruvellarai Village, S.F.No.209/2, Thendral Nagar House site



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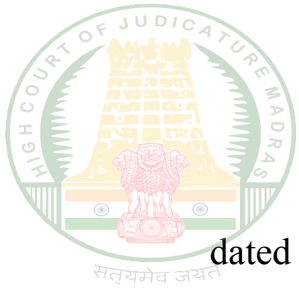
lay-out in the light of petitioner's representation dated 23.09.2024.

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4. In order to remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 23.09.2024. 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 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



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dated 23.09.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents 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]

28.01.2025

NCC : Yes/No

Index : Yes/No

RR



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M.S. RAMESH, J.
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RR

ORDER
IN
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Date : 28.01.2025