



W.P.(MD)No.606 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.606 of 2025

Muthammal

: Petitioner

Vs.

1.The Revenue Divisional Officer / Monitoring Committee,
Revenue Divisional Office,
Sattur,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Sattur,
Virudhunagar District.

3.The Panchayat Union Commissioner,
Panchayat Union Office,
Sattur,
Virudhunagar District.



W.P.(MD)No.606 of 2025

WEB COPY

4.Periyashanmugaiah

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent at public street situated in Survey No.107/63 at the petitioner's village of Sindhuvampatti, Uppathur Post, Sattur Taluk, Virudhunagar District by considering her representation dated 19.12.2024.

For Petitioner : Mr.R.Murugappan

For Respondents 1 & 2 : Mr.S.Shaji Bino

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.



W.P.(MD)No.606 of 2025

WEB COPY

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 3 to remove the encroachment made by the fourth respondent at public street situated in Survey No.107/63 at the petitioner's village of Sindhuvampatti, Uppathur Post, Sattur Taluk, Virudhunagar District, by considering her representation dated 19.12.2024.

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

4.The petitioner herein had given a representation to the official respondents on 19.12.2024, 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



W.P.(MD)No.606 of 2025

WEB COPY

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 3 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 herein and the fourth respondents, 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.



W.P.(MD)No.606 of 2025

WEB COPY

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.]

09.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.606 of 2025

To

1.The Revenue Divisional Officer / Monitoring Committee,
Revenue Divisional Office,
Sattur,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Sattur,
Virudhunagar District.

3.The Panchayat Union Commissioner,
Panchayat Union Office,
Sattur,
Virudhunagar District.



WEB COPY



W.P.(MD)No.606 of 2025

M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

W.P.(MD)No.606 of 2025

09.01.2025