



W.P.(MD)No.658 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.658 of 2025

and

W.M.P.(MD)No.449 of 2025

Mathiazhagan

... Petitioner

Vs.

1.The District Collector,
The District Collector Office,
Thanjavur District.

2.The Block Development Officer,
Sethubavachatram Block,
Peravurani Taluk,
Thanjavur District.

3.The President Mudhukadu Panchayat Union,
Sethubavachatram Block,
Peravurani Taluk,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to remove the borewell and its machineries from the petitioner's property situated in Survey No.41/4B by considering the petitioner's representation dated 19.12.2024.



W.P.(MD)No.658 of 2025

For Petitioner

: Mr.K.Vasantha Kumar

For Respondents

: Mr.S.Kameshwaran

Government Advocate (for R1)

Mr.Ramesh Arumugam

Government Advocate (for R2)

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation dated 19.12.2024 to remove the borewell and its machineries from the petitioner's property situated in Survey No.41/4B, Mudhukadu Village, Peraurani Taluk, Thanjavur District.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner has also made a representation on 19.12.2024 to remove the borewell and its machineries from the petitioner's property. Since the same has not been considered, this writ petition has been filed.



W.P.(MD)No.658 of 2025

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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, this Court, without going into the merits of the case, hereby direct the respondents to consider the petitioner's representation dated 19.12.2024 and pass appropriate orders on merits and in accordance with law, after giving notice to all the stakeholders, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.01.2025

NCC : Yes / No
Index : Yes / No
Sm



WEB COPY



W.P.(MD)No.658 of 2025

L.VICTORIA GOWRI, J.

Sm

TO:-

- 1.The District Collector,
The District Collector Office,
Thanjavur District.
- 2.The Block Development Officer,
Sethubavachatram Block,
Peravurani Taluk,
Thanjavur District.
- 3.The President Mudhukadu Panchayat Union,
Sethubavachatram Block,
Peravurani Taluk,
Thanjavur District.

Order made in
W.P.(MD)No.658 of 2025

Dated:
09.01.2025