



W.P.(MD).No.936 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**

W.P.(MD).No.936 of 2025

Sankarapandian

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer/
Monitorial Committee,
Aruppukottai ,
Virudhunagar District.
- 3.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The President/Executive Officer,
Mandapasalai Village Panchayat,
Aruppukottai Panchayat Union,
Virudhunagar District.

5.Ganeshan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondent No.3 to remove the encroachment in Survey No.530/18, Mandapasalai Village, Aruppukottai Taluk,



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Virudhunagar District in view of representation dated 18.06.2024, within the stipulated time.

For Petitioner : Mr.M.Jothi Basu
For R-1 to R-3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the third respondent to remove the encroachment in Survey No.530/18, Mandapasalai Village, Aruppukottai Taluk, Virudhunagar District on the basis of the representation dated 18.06.2024, within the stipulated time.

3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the first respondent on 18.06.2024, to remove the encroachment alleged to have been made by the fifth respondent in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.

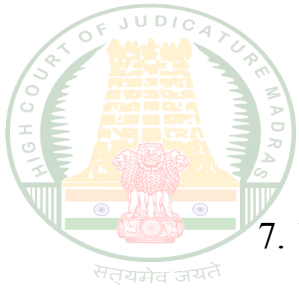


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping 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 herein to consider the petitioner's representation dated 18.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent herein, as well as all other persons, who may be interested in the subject matter, 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.



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7. With the above direction, the Writ Petition stands disposed of. There

shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
10.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
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