



WP(MD). No.986 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.01.2025

CORAM

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

WP(MD). No.986 of 2025

V. Azhagarsamy

... Petitioner

Vs

**1. The District Collector / Monitoring Authority,
Office of Collectorate, Theni, Theni District..**

**2. The Revenue Divisional Officer,
Periyakulam, Theni District..**

**3. The Tahsildar,
Taluk Office, Andipatty,
Theni District..**

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 23.11.2024 as per G.O. Ms.No. 64 dated 08.02.2022 and pass order to remove the encroachment at Government Public cart road in S.Nos. 1666, 1681, 2142 and 2150 situated at Yaethakovil village and post, Andipatty Taluk, Theni District within stipulated time as fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

1/5



WEB COPY



WP(MD). No.986 of 2025

For Respondents : Mr.P.Thilak Kumar for R1 to R3
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. The writ petition has been filed for a direction to the the 2nd respondent to consider the petitioner's representation dated 23.11.2024 as per G.O.Ms.No. 64 dated 08.02.2022 and pass order to remove the encroachment at Government Public cart road in S.Nos. 1666, 1681, 2142 and 2150 situated at Yaethakovil village and post, Andipatty Taluk, Theni District within stipulated time as fixed by this Court.

3. 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 23.11.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



WP(MD). No.986 of 2025

WEB COPY

4. 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.

5. In the light of the above observations, there shall be a direction to the 2nd respondent to consider the petitioner's representation dated 23.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner 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.



WP(MD). No.986 of 2025

WEB COPY 6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

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

10.01.2025

RR

To

1. The District Collector / Monitoring Authority,
Office of Collectorate, Theni,
Theni District..

2. The Revenue Divisional Officer,
Periyakulam,
Theni District..

3. The Tahsildar,
Taluk Office, Andipatty,
Theni District..



WEB COPY



WP(MD). No.986 of 2025

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
WP(MD) No.986 of 2025

Date : 10.01.2025