



WP(MD). No.1143 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

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

WP(MD). No.1143 of 2025

Subha

... Petitioner

Vs

**1. The District Collector,
Sivagangai District,
Sivagangai..**

**2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District..**

3. Bose

4. Kaliyattam

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent to remove the encroachment in pathway, survey No.163, 171, 171/1-3 and 172/6A and B situated at Soorakulam Village, Sivagangai Taluk and District based on the petitioner's representation dated 13.10.2024.



WP(MD). No.1143 of 2025

For Petitioner : Mr.M.Ramu
For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 and R2

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 3 and 4, notice to respondents 3 and 4 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 2nd respondent to remove the encroachment in pathway, survey No.163, 171, 171/1-3 and 172/6A and B situated at Soorakulam Village, Siangangai Taluk and District based on the petitioner's representation dated 13.10.2024.



WP(MD). No.1143 of 2025

4. For removing the encroachment in the aforesaid survey number, the petitioner has given a representation to the official respondents on 13.10.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this writ 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 2nd respondent herein to consider the petitioner's representation dated 13.10.2024 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



WP(MD). No.1143 of 2025

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]

20.01.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The District Collector,
Sivagangai District,
Sivagangai..

2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District..



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WP(MD). No.1143 of 2025

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

RR

ORDER
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Date : 20.01.2025