



WP(MD). No.1363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.01.2025

CORAM

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

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N. Murugan

... Petitioner

Vs

**1. The District Collector / Chairperson District Monitoring Committee,
Theni District,
Theni.**

**2. The Tahsildar,
Andipatti Taluk,
Theni.**

**3. The Block Development Officer,
Andipatti Panchayat Union,
Andipatti,
Theni.**

**4. The Panchayat President,
G.Usilampatti Village Panchayat,
Andipatti Taluk,
Theni.**

5. Subulakshmi

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondent Nos.1 to 4 to remove the encroachment in the public pathway which runs through Survey No.211/62 situated at G.Usilampatti Village, Andipatti Taluk, Theni District based on the petitioners representation dated 08.08.2024 within a time as stipulated by this Court.

For Petitioner : Mr.A.Sheik NAsurdeen
For Respondents : Mr.S.Shaji Bino for R1 to R3
Spl. Government Pleader

ORDER

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 5th respondent, notice to the 5th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to remove the encroachment in the public pathway which runs through Survey No.211/62 situated at G.Usilampatti Village, Andipatti Taluk, Theni District based on the petitioner's representation dated 08.08.2024.



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4. In order to remove the encroachment made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 08.08.2024. 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 respondents 1 to 4 herein to consider the petitioner's representation dated 08.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and



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the private respondent 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.

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 / Chairperson District Monitoring Committee,
Theni District, Theni.

2. The Tahsildar,
Andipatti Taluk, Theni.

3. The Block Development Officer,
Andipatti Panchayat Union,
Andipatti, Theni.

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

RR

ORDER
IN
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