



WP(MD). No.1118 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

WP(MD). No.1118 of 2025

R. Baby Nagalakshmi

... Petitioner

Vs

**1. The District Collector,
Tirunelveli District,
Tirunelveli..**

**2. The Revenue Divisional Officer,
Cheranmahadevi Division,
Cheranmahadevi,
Radhapuram Taluk,
Tirunelveli District..**

**3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District..**

**4. The Village Administrative Officer,
Samoogarengapuram Village,
Radhapuram Taluk,
Tirunelveli District..**



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5. The President,
Samoogarengapuram Village Panchayat,
Radhapuram Taluk,
Tirunelveli 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 respondents herein to implement the order passed by this Court in WP(MD).No. 15882 of 2016 dated 31.08.2017 and to remove the wall constructed encroaching and blocking the public pathway/cart path in the Govt.Poramboke land bearing Survey No. 390/1A, UDR Survey No. 977 and 977/1 in Samoogarengapuram Village, Radhapuram Taluk, Tirunelveli District in accordance with guidelines issued by the G.O.Ms.No. 540 Revenue (LD6(2)) Department dated 04.12.2014 and also consider the representation dated 19.12.2024 of the petitioner within a time limit to be fixed by this Court.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.S.R.A.Ramachandran for R5
Addl. Government Pleader
Mr.J.Ashok for R1 to R4

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.



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2. The writ petition has been filed for a direction to the respondents herein to implement the order passed by this Court in WP(MD).No. 15882 of 2016 dated 31.08.2017 and to remove the wall constructed encroaching and blocking the public pathway/cart path in the Government poramboke land bearing Survey No. 390/1A, UDR Survey No. 977 and 977/1 in Samoogarengapuram Village, Radhapuram Taluk, Tirunelveli District in accordance with guidelines issued by the G.O.Ms.No.540 Revenue (LD6(2)) Department dated 04.12.2014 and also consider the representation dated 19.12.2024 of the petitioner within a time limit to be fixed by this Court.

3. In order to remove the alleged wall constructed in the aforesaid survey number and to implement the order of this Court dated 31.08.2017 in WP(MD) No.15882 of 2016, the petitioner has given a representation to the official respondents on 19.12.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



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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 respondents herein to consider the petitioner's representation dated 19.12.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and 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.



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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

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

RR

ORDER
IN
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