



WP(MD). No.1371 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

WP(MD). No.1371 of 2025

K. Ramkrishnan

... Petitioner

Vs

**1. The Thasildhar,
Madurai North Taluk, Madurai..**

**2. The Assistant Commissioner,
Zone-I, Madurai Corporation,
Madurai..**

**3. The Revenue Inspector,
Kulamangalam Firka, Madurai..**

**4. The Land Surveyor,
Kulamangalam Firka,
Madurai..**

5. Kannan

... 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 1 to 4 heren to remove the encroachment made by the 5th respondent herein in pathway situated in S.No.72/3 at Milagaranai

1/5



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Village, Kulamangalam Firka, Madurai Northe Taluk, Madurai District
based on the Representation on 13.09.2023 within a stipulated time as
prescribed by this Court.

For Petitioner : Mr.D.Sureshkumar
For Respondents : Mr.S.Shaji Bino for R1, R3 and R4
Spl. Government Pleader
Mr.K.K.Kannan for R2

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 herein to remove the encroachment made
by the 5th respondent herein in pathway situated in S.No.72/3 at
Milagaranai Village, Kulamangalam Firka, Madurai Northe Taluk,
Madurai District based on the representation dated 13.09.2023.

4. In order to remove the encroachment made in the aforesaid



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survey number, the petitioner has given a representation to the official respondents on 13.09.2023. 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 13.09.2023 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent as well as all other persons, who may be interested



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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 Thasildhar,
Madurai North Taluk, Madurai..

2. The Revenue Inspector,
Kulamangalam Firka,
Madurai..

3. The Land Surveyor,
Kulamangalam Firka,
Madurai..

M.S. RAMESH, J.



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AND
A.D.MARIA CLETE, J.

RR

ORDER
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