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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.01.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**and**

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD)No.1872 of 2025**

N.Manikandan : Petitioner

Vs.

1.The District Collector / Monitoring Committee,
O/o. The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kanyakumari Revenue Division,
Kanyakumari District.

3.The Tahsildar,
Thovalai Taluk,
Thovalai,
Kanyakumari District.

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4.The Executive Officer,
Boothapandi Town Panchayat,
Boothapandi,
Kanyakumari District.

5.Kolappan Asari : Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in S.No.225/26 in Boothapandi Village, Thovalai Taluk, Kanyakumari District which was classified as "Government Poromboke Street", based on the proceedings of the third respondent in Na.Ka.No.A5/2891/2023 dated 19.07.2023 and based on the petitioner's representation dated 27.06.2023 within a time frame as fixed by this Court.

For Petitioner : Mr.K.Ganesamoorthi
For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

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**O R D E R**

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**[**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.**This writ petition has been filed for a Mandamus to direct the respondents 1 to 4 to remove the encroachment made in S.No.225/26 in Boothapandi Village, Thovalai Taluk, Kanyakumari District, which was classified as “Government Poromboke Street”, based on the proceedings of the third respondent in Na.Ka.No.A5/2891/2023 dated 19.07.2023 and based on the petitioner's representation dated 27.06.2023.

**3.**Since this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

**4.**The petitioner herein had given representation to the official respondents on 27.06.2023, for removal of the alleged encroachments.

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Since the said representation was not considered, the present writ petition has been filed.

**5.**It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him 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 to consider the petitioner's representation dated 27.06.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fifth respondent, as well as all other persons, who may be interested in the subject property, within a period of three [3] 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

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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, this Writ Petition stands disposed of. There shall be no order as to costs.

**[M.S.R.,J.] & [A.D.M.C.,J.]**

**23.01.2025**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

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**M.S.RAMESH, J.**

**and**

**A.D.MARIA CLETE, J.**

MR

**ORDER MADE IN**

**W.P.(MD)No.1872 of 2025**

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