



W.P.(MD)No.1700 of 2025

WEB COPY

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.1700 of 2025

M.Rathinam

: Petitioner

Vs.

1.The Tahsildar,
Kulithalai Taluk,
Karur District.

2.R.Ajith Kumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to remove the encroachment and the unauthorised construction made by the second respondent on the pathway in Survey No.533/26 in Perur South, South Street, Cuddalore Village, Kulithalai Taluk, Karur District by considering the petitioner's representation dated 04.03.2023 and 14.10.2024.



WEB COPY



W.P.(MD)No.1700 of 2025

For Petitioner : Mr.Robert Chandra Kumari
For Respondent No.1 : Mr.P.Thilak Kumar
Government Pleader

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.This writ petition has been filed for a Mandamus to direct the first respondent to remove the encroachment and the unauthorised construction made by the second respondent on the pathway in Survey No.533/26 in Perur South, South Street, Cuddalore Village, Kulithalai Taluk, Karur District by considering the petitioner's representations dated 04.03.2023 and 14.10.2024.

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



W.P.(MD)No.1700 of 2025

WEB COPY

4.The petitioner herein had given representation to the official respondent on 14.10.2024, for removal of the alleged encroachment. 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 first respondent to consider the petitioner's representation dated 14.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the second respondent, as well as all other persons, who may be



W.P.(MD)No.1700 of 2025

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 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



WEB COPY



W.P.(MD)No.1700 of 2025

To
The Tahsildar,
Kulithalai Taluk,
Karur District.



WEB COPY



W.P.(MD)No.1700 of 2025

M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

W.P.(MD)No.1700 of 2025

23.01.2025