

WP(MD). No.2330 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

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

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K. Senthilkumar

... Petitioner

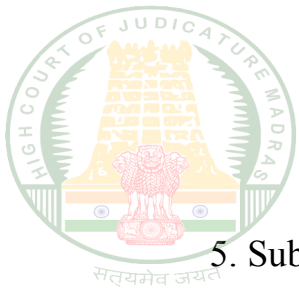
Vs

**1. The District Collector,
Collectorate,
Tiruchirapalli..**

**2. The Revenue Divisional Officer,
Musiri Sub Division,
Musiri Post and Taluk,
Trichy District..**

**3. The Thasildar,
Taluk Office,
Thottiyam,
Thottiyam Taluk,
Trichy District..**

**4. The Block Development Officer,
Thottiyam Panchayat Union Office,
Thottiyam,
Thottiyam Taluk,
Trichy District..**



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5. Subramani

6. Aravan

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus thereby direct the 1 to 4 respondents to remove unlawful encroachments in government poramboke Cart track Comprised in Survey Number 472 of Appanallur Revenue Village Thottiyam Taluk, Trichy District made by the 5th and 6th respondents based on the petitioner's representations dated 22.09.2023 and 18.09.2024.

For Petitioner : Mr.A.Thirumalairaja
For Respondents : Mr.S.Shaji Bino for R1 to R3
Special Government Pleader
Mr.S.R.A.Ramachandran for R4
Additional 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. Since no adverse orders are going to be passed against the 5th and 6th respondent, notice to the 5th and 6th respondent is dispensed with.



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3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to remove unlawful encroachments in Government poramboke Cart track Comprised in Survey Number 472 of Appanallur Revenue Village Thottiyam Taluk, Trichy District made by the 5th and 6th respondents based on the petitioner's representations dated 22.09.2023 and 18.09.2024.

4. In order to take remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 18.09.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this 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



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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 concerned respondent to consider the petitioner's representation dated 18.09.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents 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]

28.01.2025

NCC : Yes/No

Index : Yes/No

4/6



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