



**WP(MD). No.2148 of 2025**

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

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**DATED : 24.01.2025**

**CORAM**

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

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**J.Jeyaseelan**

**... Petitioner**

**Vs**

**1. The District Collector,  
Madurai District..**

**2. The Revenue Divisional Officer,  
Melur,  
Madurai District..**

**3. The Tahsildar,  
Melur,  
Madurai District..**

**4. K.Swamynathan**

**... 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 3 to remove the encroachment made on cart track comprising in Survey No. 97, Kesampatti Village, Melur Taluk, Madurai District by the 4th respondent based on the representation dated 05.01.2024 preferred by the petitioner within timeframe that may be

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stipulated by this Court.

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For Petitioner : Mr.V.P.Rajan  
For Respondents : Mr.S.Shaji Bino for R1 to R3  
Spl. 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 4<sup>th</sup> respondent, notice to the 4<sup>th</sup> respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 3 to remove the encroachment made on cart track comprising in Survey No. 97, Kesampatti Village, Melur Taluk, Madurai District by the 4<sup>th</sup> respondent based on the representation dated 05.01.2024 preferred by the petitioner.



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4. In order to remove the encroachment made by the private respondent, the petitioner has given a representation to the official respondents on 05.01.2024. 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 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 3 herein to consider the petitioner's representation dated 20.12.2024 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]**

**24.01.2025**

**NCC : Yes/No**

**Index : Yes/No**

RR

To

1. The District Collector,  
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2. The Revenue Divisional Officer,  
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3. The Tahsildar,  
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**M.S. RAMESH, J.**  
**AND**  
**A.D.MARIA CLETE, J.**

RR

ORDER  
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