



W.P.(MD).No.2329 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM

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

W.P.(MD).No.2329 of 2025

Murugan

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Office of the District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul,
Dindigul District.
- 3.The Tahsildar,
Natham Taluk Office,
Natham,
Dindigul District.
- 4.The Assistant Divisional Engineer,
Highways Department,
Natham,
Dindigul District.
- 5.Tamilarasi
- 6.Lakshmi



W.P.(MD).No.2329 of 2025

7.Rasu

8.Bhanumathi

9.Raja

10.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4 to take necessary action to remove the encroachments made by the respondents 5 to 10 in the Government salai porompoke land comprised in S.Nos.458 and 460/20 situated at Sellappanaickanpatti Village, Natham Taluk, Dindigul District by considering the petitioner representation dated 20.12.2024 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For R-1 to R-4 : Mr.J.Ashok

Additional Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for a Mandamus, directing the respondents 1 to 4 to take necessary action to remove the encroachments made by the respondents 5 to 10 in the Government salai porompoke land comprised



W.P.(MD).No.2329 of 2025

in S.Nos.458 and 460/20 situated at Sellappanaickanpatti Village, Natham Taluk, Dindigul District by considering the petitioner's representation dated 20.12.2024 within the time stipulated by this Court.

3. Since no adverse orders are going to be passed against the respondents 5 to 10, notice to the respondents 5 to 10 is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 20.12.2024 to remove the encroachments alleged to have been made by the respondents 5 to 10 in the subject lands. 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.



W.P.(MD).No.2329 of 2025

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 20.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 10 herein, as well as all other persons, who may be interested in the subject matter, 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, the Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



W.P.(MD).No.2329 of 2025

To

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W.P.(MD).No.2329 of 2025

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