



WP(MD). No.2382 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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T. Sindhiskhan

... Petitioner

Vs

**1. The District Collector,
Office of the District Collectorate,
Sivagangai District..**

**2. The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District..**

**3. The Block Development Officer,
Office of the Block Development Officer,
Thiruppuvanam Taluk,
Sivagangai District..**

4. Pajariya

... 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 No.1 to 3 to remove the encroachment made by the respondent No.4 by considering the Petitioners representation dated

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12.12.2024 within the time stipulated by this Court.

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For Petitioner : Mr.SMA.Jinnah
For Respondents : Mr.S.Shaji Bino for R1 and R2
Special Government Pleader
Mr.J.Ashok for R3
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 4th respondent, notice to the 4th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.1 to 3 to remove the encroachment made by the respondent No.4 by considering the Petitioners representation dated 12.12.2024.

4. In order to remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation



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to the official respondents on 12.12.2024. 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 concerned respondent to consider the petitioner's representation dated 12.12.2024 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 in the subject matter, within a period of three months from the date of



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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
RR

To

1. The District Collector,
Office of the District Collectorate,
Sivagangai District..

2. The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District..

3. The Block Development Officer,
Office of the Block Development Officer,
Thiruppuvanam Taluk,
Sivagangai District..

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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 28.01.2025