

W.P.(MD)No.3097 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3097 of 2025

and WMP (MD) No.2161 of 2025

V.Sudhakar

: Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Thasildar,
Manoor Taluk Office,
Tirunelveli District.

3. The Thasildar,
Adi Dravidar Welfare Office,
Tirunelveli.

4. The Block Development Officer,
(Block Development),
Manoor Panchayat
Union Office,
Tirunelveli District.

5. Anandaraj

6. Ponnu Esakki

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1-4 to restore the land which is earmarked for Public purpose in S.No. 659/1, Pillaiyarkulam Village, Manoor Taluk, Tirunelveli District within time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 to R3

Mr.R.Ragavendra for R4

Mr.V.Karuppasamy for R5 & R6

ORDER

This Writ Petition has been filed for a Writ of Mandamus, directing the respondents 1 to 4 to restore the land which is earmarked for public purpose in S.No. 659/1, Pillaiyarkulam Village, Manoor Taluk, Tirunelveli District.

2. The petitioner claims that based on a layout formed by the District Adi Dravidar Welfare Office, Tirunelveli, in 1995, his mother was selected as one of the beneficiaries and they have been residing on the land after constructing a house. The petitioner's grievance is that



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respondents 5 and 6 have erected a thatched shed on land that was earmarked for conducting public events. In this regard, he submitted a representation on 12.12.2024, requesting the removal of the encroachment and the restoration of the land for its intended purpose of conducting public events. However, as no action has been taken on the representation, the petitioner has now filed the present Writ Petition.

3. Heard both sides.

4. 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 India and direct them to consider the same within a stipulated time.



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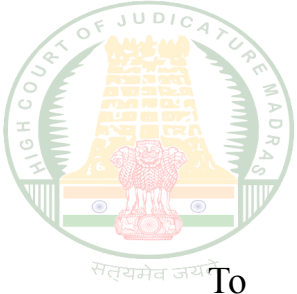
5. In the light of the above observations, there shall be a direction to the respondents 1 to 4, to consider the petitioner's representation dated 12.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the *status quo* shall be maintained between the parties in respect of the land in S.No.659/1, Pillaiyarkulam Village, Manoor Taluk, Tirunelveli District. It is also 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 respondents 1 to 4 to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.02.2025

Index : Yes / No
Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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