



W.P.(MD)No.2634 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.2634 of 2025

Baratha Muthu

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.The Block Development Officer,
Kallikudi Panchayat Union,
Thirumangalam Taluk,
Madurai District.

4.The Panchayat Secretary,
Maruthangudi Panchayat & Village,
Thirumangalam Taluk, Madurai District.



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5.Jayamani

: Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fourth respondent to take necessary enquiry and action as against the fifth respondent / encroacher herein by implementing the first respondent's communication letter in his proceedings Na.Ka.No.267/2024/D8 dated 24.12.2024 by considering the petitioner's representation dated 21.12.2024.

For Petitioner : Mr.B.Anandan

For Respondents 1 & 2 : Mr.J.Ashok

Additional Government Pleader

For Respondent No.3 : Mr.S.R.A.Ramachandran

Additional Government Pleader

O R D E R

[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.



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2.This writ petition has been filed for a Mandamus to direct the fourth respondent to take necessary enquiry and action as against the fifth respondent / encroacher herein by implementing the first respondent's communication letter in his proceedings Na.Ka.No. 267/2024/D8 dated 24.12.2024 by considering the petitioner's representation dated 21.12.2024.

3.Since this Court is directing the official respondents to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

4.The petitioner herein had given representation to the official respondents on 10.01.2025, for removal of the alleged encroachment. 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



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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. Though the petitioner herein has sought for a direction to the fourth respondent to consider his representation, it would be the second respondent who would be the competent authority under the provisions of the Land Encroachment Act, to initiate proceedings. Hence, there shall be a direction to the second respondent to consider the petitioner's representation dated 10.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fifth respondent, as well as all other persons, who may be interested in the subject property, 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.



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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

30.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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30.01.2025