



W.P.(MD)No.4848 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.4848 of 2025

S.Mukesh

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli District, Tirunelveli.

3.The Tahsildar,
Manur Taluk, Manur,
Tirunelveli District.

4.Vijina

5.Gnanaprakash

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 to remove the nuisance from in front of the petitioner' s house caused by respondents 4 and 5, by considering the petitioner's representation dated 23.07.2024.



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W.P.(MD)No.4848 of 2025

For Petitioner : Ms.N.Ratchaka
For R1 to R3 : Mr.K.S.Selvaganesan
Additional Government Pleader

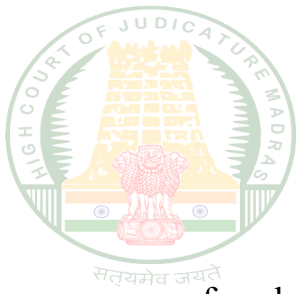
ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 to remove the nuisance from in front of the petitioner's house caused by the respondents 4 and 5, by considering the petitioner's representation dated 23.07.2024.

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

3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. According to the petitioner, he campaigned against the fourth respondent during the election and exposed her involvement in misappropriation. In retaliation, the fourth respondent demolished a portion of the petitioner's house without conducting a land survey. Furthermore, the fifth respondent intentionally

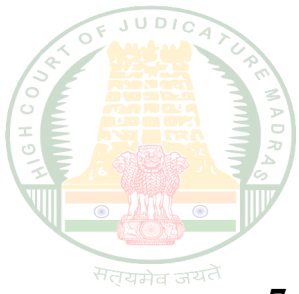


W.P.(MD)No.4848 of 2025

refused to lay the road in front of the petitioner's house. As a result, all the drainage water from the eastern side of the village is flowing towards and stagnating in front of the petitioner's house, posing a risk of jaundice, malaria, and other contagious diseases. Hence, the petitioner submitted a representation on 23.07.2024 to the respondents 1 to 3. Since no action has been taken, the petitioner has filed the present writ petition.

5. Heard the learned counsel appearing for the parties.

6. 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.4848 of 2025

WEB COPY

7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 23.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5 herein, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. 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 second respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

24.02.2025

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W.P.(MD)No.4848 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.4848 of 2025

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