



W.P.(MD)No.5014 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5014 of 2025

and

W.M.P.(MD)No.3627 of 2025

R.Selvaraj

... Petitioner

-VS-

1.The District Collector,
Theni District.

2.The Block Development Officer,
Chinnamannur, Theni District.

3.M.Kumaresan,
S/o.Muthukamatchi,
Secretary,
Pottipuram Village Panchayat,
Uthamapalaym Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the third respondent to receive the sum of Rs.5,27,500/- and to credit the same in the account of the Pottipuram Panchayat, by considering petitioner's representations, dated 04.01.2025 and 20.01.2025, within time stipulated by this Court.



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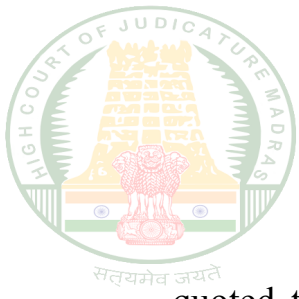
For Petitioner : Mr.I.Robert Chandrakumar
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R2 and R3 : Mr.V.Sasikumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to direct the third respondent to receive the sum of Rs.5,27,500/- and to credit the same in the account of the Pottipuram Panchayat, by considering petitioner's representations, dated 04.01.2025 and 20.01.2025,

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

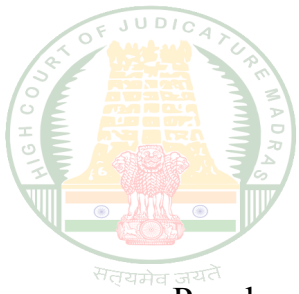
3. According to the petitioner, he is the former President of Pottipuram Village Panchayat. As per the judgment passed by the Hon'ble Division Bench of this Court in W.A.(MD)No.1999 of 2021, dated 30.08.2024, on 02.10.2024, the Panchayat passed an unanimous resolution to auction Seemai Karuvelam trees grown in S.No.16 of the said village. Following the norms, a bid amount of Rs.19,50,000/- was fixed. On 03.01.2025, one Gopalakrishnan, son of Rajan,



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quoted the highest bid amount of Rs.21,00,000/- and paid 1/4th of the auction amount, *i.e.*, Rs.5,27,500/- on the same day. After receiving the amount, the petitioner instructed the third respondent to credit the sum to the Panchayat account and issue a receipt. However, instead of complying with the said instruction, the third respondent immediately left the office, took leave and switched off his mobile phone for four days. On 07.01.2025, when the third respondent returned, the petitioner asked him to receive and credit the amount in the Panchayat account. The third respondent refused the same stating that, since the petitioner's tenure had ended two days earlier, he could not accept the amount without instructions from the second respondent.

4. According to the petitioner, on 08.01.2025, when the petitioner met the second respondent in person and enquired about the matter, the second respondent orally informed him that since the petitioner had challenged the earlier auction, it had been set aside and hence, the money would not be accepted. Hence, the petitioner approached the first respondent, but no action was taken. On 04.01.2025, the petitioner submitted a representation to the first respondent, requesting to direct the third respondent to receive and credit the amount to the



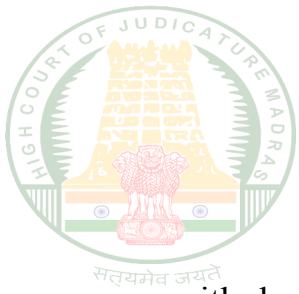
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Panchayat account. However, no action was taken by the respondents. Therefore, on 20.01.2025, the petitioner submitted another representation. Since no action has been taken, the petitioner has filed the present writ petition.

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.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 04.01.2025, on its own merits and pass appropriate orders in accordance



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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. 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 first 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. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

25.02.2025

To:-

- 1.The District Collector,
Theni District.
- 2.The Block Development Officer,
Chinnamannur, Theni District.



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VIVEK KUMAR SINGH, J.

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