



W.P.(MD)No.5003 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.5003 of 2025

and

W.M.P.(MD)No.3615 of 2025

A.Karalam

... Petitioner

-VS-

1.The District Collector,
Collectorate, Virudhunagar District.

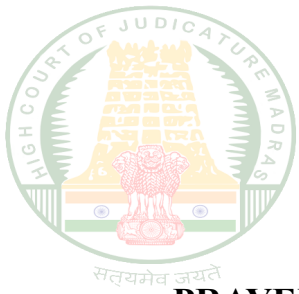
2.The Tahsildar,
Kariyapatti Taluk Office, Kariyapatti,
Virudhunagar District.

3.The Block Development Officer (Village Panchayat),
Kariyapatti Panchayat Union Office,
Kariyapatti,
Virudhunagar District.

4.The Special Officer,
Aviyur Village Panchayat, Aviyur Post,
Kariyapatti Taluk, Virudhunagar District.

5.The Village Panchayat Secretary,
Aviyur Village Panchayat, Aviyur Post,
Kariyapatti Taluk, Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from laying the road in the petitioner's land comprised in Survey No.10/6A, 10/6B and 10/6C in Aviyur Village, Kariyapatti Taluk, Virudhunagar District, without acquiring the petitioner's land and award compensation.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

This Writ Petition has been filed to forbear the respondents from laying road in the petitioner's land comprised in Survey No.10/6A, 10/6B and 10/6C in Aviyur Village, Kariyapatti Taluk, Virudhunagar District, without acquiring the petitioner's land and award compensation.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The petitioner submits that he purchased the subject lands in 1986. To access the land, a footpath runs from the National Highway to Nachi Thevar



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Oorani and a channel also running through the pathway to carry rainwater to the Oorani, a practice that has been in place for time immemorial. However, the respondents have suddenly converting the footpath and are taking steps to lay a road by encroaching the petitioner's Patta land, without acquiring the land or providing compensation. Hence, the petitioner submitted a representation dated 14.02.2025. Since the representation has not been considered, the petitioner has filed the present writ petition.

4. Heard both sides.

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 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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6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 14.02.2025, 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 one month 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.

7. 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

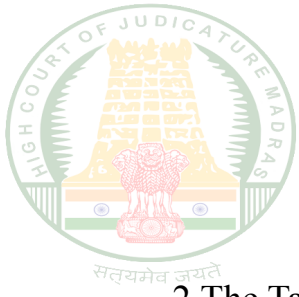
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Index : Yes / No

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VIVEK KUMAR SINGH, J.

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