



W.P.(MD)No.5411 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5411 of 2025

K.Kalidhas

: Petitioner

Vs.

1. The District Collector,
Dindigul, Dindigul District.

2. The President,
Nagampatti Village Panchayat,
Vedachandur Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to dispose the representation of the petitioner dated 26.06.2023 according to law expeditiously on merits.

For Petitioner : Mr.C.Godwin

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1

Mr.G.Vairam Santhosh

Additional Government Pleader for R2



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to dispose the representation of the petitioner dated 26.06.2023.

2.The petitioner claims that the second respondent has erected two water tanks on the poramboke land, thereby causing an obstruction to the passage for the petitioner to take a tractor into his land. This obstruction affects the petitioner's ability to access the land for farming purposes. The petitioner further contends that the second respondent proposes to erect a third water tank on the same poramboke passage. If this third water tank is constructed, the petitioner will not be able to take his tractor to plough his fields in Survey Nos. 905/1 and 904/1, Karukkampatti Village, Vedachandur Taluk. In this regard, the petitioner submitted a representation on 26.06.2023 to the first respondent, requesting not to erect the third water tank. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.



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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.

5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 26.06.2023, 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. 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



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respondent to consider the same on its own merits.

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

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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