



W.P.(MD)No.5485 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5485 of 2025

Gurusekar

... Petitioner

-VS-

1.The District Collector/Inspector of Panchayat,
Sivagangai District,
Sivagangai.

2.The Tahsildhar,
Kaliyarkovil Taluk, Sivagangai District.

3.The Village Administrative Officer,
South Maranthai, Kaliyarkovil Taluk,
Sivagangai District.

4.The Special Officer,
South Maranthai Panchayat,
Kaliyarkovil Taluk, Sivagangai 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 herein to direct the fourth respondent not to carry out any construction activities on the petitioner's assignment free house site Patta land, measuring 3 cents comprised in Survey No. 78/33, situated at South Maranthai, Kalaiyar Kovil Taluk, Sivagangai District, on the basis of the petitioner's representation dated 03.02.2025.



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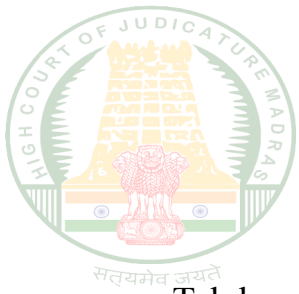
For Petitioner : Mr.T.Indrachithu
For R1 to R3 : Mr.J.K.Jayaselan
Government Advocate
For R4 : Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 herein to direct the fourth respondent not to carry out any construction activities on the petitioner's assignment free house site Patta land, measuring an extent of 3 cents, comprised in Survey No.78/33, situated at South Maranthai, Kalaiyar Kovil Taluk, Sivagangai District, on the basis of the petitioner's representation dated 03.02.2025.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, the fourth respondent has undertaken construction activities on the petitioner's assigned land, measuring an extent of 3 cents, comprised in Survey No.78/33, situated at South Maranthai, Kalaiyar Kovil



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Taluk, Sivagangai District. In this regard, the petitioner submitted a representation dated 03.02.2025 to the respondents 1 and 2, requesting them to stop the ongoing construction activities being carried out by the fourth respondent on his Patta land. Since no action has been taken on the said representation, the petitioner has approached this Court by filing 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 the 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 respondents 1 and 2 herein to consider the petitioner's representation dated 03.02.2025, 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 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 respondents 1 and 2 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.

NCC : Yes / No
Index : Yes / No
smn2

03.03.2025

To:-

- 1.The District Collector/Inspector of Panchayat,
Sivagangai District,
Sivagangai.
- 2.The Tahsildhar,
Kaliyarkovil Taluk, Sivagangai District.



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3.The Village Administrative Officer,
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VIVEK KUMAR SINGH, J.

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