



W.P.(MD)No.5053 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5053 of 2025

and

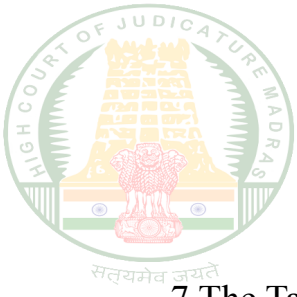
W.M.P.(MD)No.3671 of 2025

Premkumar

... Petitioner

-VS-

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Deputy Superintendent of Police,
Nilakottai, Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 4.The Assistant Director (Panchayat),
Dindigul District, Dindigul.
- 5.The Block Development Officer,
Block Development Office,
Nilakottai,
Dindigul District.
- 6.The Inspector of Police,
Ammanaickanur Police Station,
Dindigul.



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7.The Tashildar,
Nilakottai Taluk,
Dindigul District.

8.The Surveyor,
Oruthattu Village,
Nilakottai Taluk,
Dindigul District.

9.The Executive Officer,
Ammainaickanur Town Panchayat,
Town Panchayat Office,
Ammainaickanur,
Nilakottai,
Dindigul.

10.The President,
Ammainaickanur Panchayat,
Nilakottai Taluk,
Dindigul District.

11.The Village Head (Nattamai)
Sillalapatti,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider petitioner's representation, dated 17.07.2024, made to stop laying of new road on the patta land of petitioner's family property, situated in Survey No.15/1A, 15/1B and 15/1C at Oruthattu Village, Nilakottai Taluk and to remove the trespass made therein.



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For Petitioner : Mr.A.Sivasubramanian
For R1, R3, R4, R7 and R8 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 and R6 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)
For R5, R9 and R10 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation, dated 17.07.2024, requesting the stoppage of the laying of a new road on the patta land of the petitioner's family property. situated in Survey No.15/1A, 15/1B and 15/1C at Oruthattu Village, Nilakottai Taluk and to remove the trespass made therein.

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

3. Since no adverse orders are going to be passed against the 11th respondent, notice to the 11th respondent is hereby dispensed with.



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4. According to the petitioner, the subject lands are in the name of his grandparents. As far as Survey No.15/1B is concerned, the revenue records shows the total extent is 0.11.00 Ares and Nilaviyal Pathai covers only 0.01 Ares. However, in February 2024, without any prior notice or legal sanction, the respondents 9 and 10 trespassed into the petitioner's Patta land and started digging and levelling the entire Survey No.15/1B for the purpose of laying a Thar Road. Hence, the petitioner submitted a representation dated 23.02.2024 to the respondents 1, 4, and 5. Subsequently, the seventh respondent conducted a peace committee meeting. The villagers of Sillalapatti demanded the construction of a road across Survey No.15/1B to access the graveyard, which was opposed by the petitioner, as it would affect his agricultural cultivation measuring an extent of 27 cents of land. The petitioner's family suggested an alternative path through their Patta land in Survey No.15/1A, situated on the western side of the graveyard. The respondents 7 and 8 conducted a survey of the said land. However, on 17.02.2025, the 10th respondent and his men once again trespassed into the petitioner's Patta land, used a JCB vehicle to dig and level the land and are now laying cement mixtures. Hence, the petitioner has filed the present Writ Petition.

5. Heard both sides.

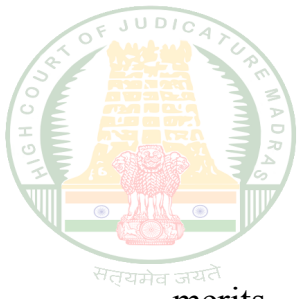


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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping 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 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 fifth respondent herein to consider the petitioner's representation, dated 23.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the 11th respondent 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. In the interregnum, the respondents shall maintain *status quo* prevailing as on date. 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 fifth respondent to consider the same on its own



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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

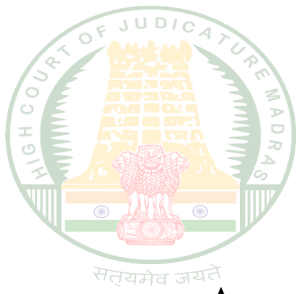
25.02.2025

Index : Yes / No

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To:-

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Nilakottai, Dindigul District.
- 3.The Revenue Divisional Officer,
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VIVEK KUMAR SINGH, J.

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