



W.P.(MD)No.5249 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5249 of 2025

P.Selvam

... Petitioner

-VS-

1.The Executive Engineer,
Water Resource Department / Public Works Department,
Ariyaru Basin Division, Trichy,
Trichy District.

2.The Assistant Executive Engineer,
Water Resource Department / Public Works Department,
Ariyaru Basin Division,
Kulithalai, Karur District.

3.Karikalan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct the fresh Tender cum Auction to remove Karuvellam Trees with Roots at Panchapatti Village, Krishnarayapuram Taluk, Karur District, on the basis of the petitioner's representation dated 24.02.2025.

For Petitioner : Mr.G.Kannan

For R1 and R2 : Mr.C.Venkateshkumar
Special Government Pleader



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ORDER

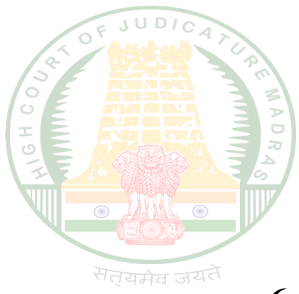
This Writ Petition has been filed seeking to a direction to the respondents to conduct a fresh Tender cum Auction to remove Karuvellam Trees with Roots at Panchapatti Village, Krishnarayapuram Taluk, Karur District, on the basis of the petitioner's representation dated 24.02.2025.

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

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

4. Alleging that the public auction for removing the Seemai Karuvelam trees was not conducted properly, the petitioner submitted a detailed representation to the respondents 1 and 2 on 24.02.2025, requesting a fresh auction. Since the representation has not been considered so far, the present Writ Petition has been filed.

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 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 second respondent herein to consider the petitioner's representation dated 24.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the third respondent herein, 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 second respondent to consider the same on its own merits.



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

NCC : Yes / No
Index : Yes / No

26.02.2025

To:-

- 1.The Executive Engineer,
Water Resource Department / Public Works Department,
Ariyaru Basin Division, Trichy,
Trichy District.
- 2.The Assistant Executive Engineer,
Water Resource Department / Public Works Department,
Ariyaru Basin Division,
Kulithalai, Karur District.



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VIVEK KUMAR SINGH, J.

smn2

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