



W.P.(MD)No.6149 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6149 of 2025

and WMP (MD) No.4508 of 2025

Mahalingam

: Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Karur District.

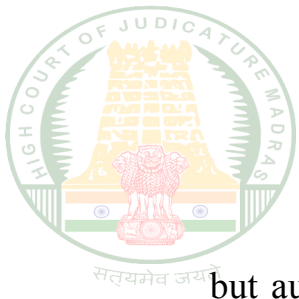
2. The Executive Engineer,
Water Resources Department,
Ariyaru Basin Division,
Trichy.

3. The Assistant Engineer,
Water Resources Department,
Ariyaru Basin Division,
Trichy.

4. Karikalan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to conduct re-auction for the Karuvelam Trees available in Panchampatti Dam, Panchapatti Village, Krishnarayapuram Taluk, worth of Rs.1 Crore



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but auctioned for Rs.29.30 Lakhs on 19.02.2025 by the 2nd respondent based on the petitioners representation dated 25.02.2025.

For Petitioner : Mr.T.A. Ebenezer

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader for R1 to R3

ORDER

The petitioner has filed this Writ Petition seeking a mandamus, directing the second respondent to conduct a re-auction for the Karuvelam trees located in Panchampatti Dam, Panchapatti Village, Krishnarayapuram Taluk, based on the petitioner's representation dated 25.02.2025. The petitioner contends that the trees, which are worth Rs.1 Crore, were auctioned for Rs. 29.30 Lakhs on 19.02.2025 by the second respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, appearing on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.



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3. 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 25.02.2025, requesting a fresh auction. Since the representation has not been considered so far, the present Writ Petition has been filed.

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 the 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 second respondent herein to consider the petitioner's representation dated 25.02.2025, on its own merits and pass appropriate



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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.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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