

W.P.(MD)No.9958 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9958 of 2025

Vijayakumar

: Petitioner

Vs.

1. The Tahsildar,
Kadavur Taluk,
Karur District.

2. The Assistant Divisional Engineer,
TANGEDCO
Chinthamanipatti, Karur District.

3. The Assistant Engineer,
TANGEDCO
Palaviduthi, Karur District.

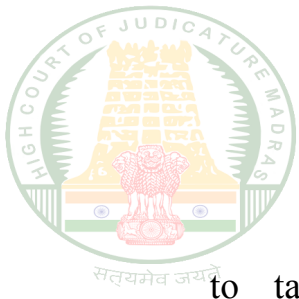
4. The Block Development Office,
R,, Panchayat Union Office,
Kadavur Taluk,
Karur District.

5. The Inspector of Police,
Palaviduthi Police Station,
Karur District.

6. Manivannan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5



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to take appropriate action against the private respondent and consequently directing the respondents 1 to 5 to remove the electric fencing fixed in land belongs to SF No.209/1A and 209/1B situated in Palaviduthi, Kadavur Taluk Karur District based on the petitioner's representations dated 25.03.2025 and 03.04.2025.

For Petitioner : Mr. S.Krishnan

Fore Respondents: Mr.J.K.Jayaselan

Government Advocate for R1

Mr.S.Deenadhayalan

Standing Counsel for R2 & R3

Ms.Jeya Priya

Government Advocate for R4

Mr.K.Gnanasekaran

Government Advocate (Crl.) for R5

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 5 to take appropriate action against the private respondent and consequently, to direct the respondents 1 to 5 to remove the electric fencing installed on the land comprised in S.F. Nos.209/1A and 209/1B, situated in Palaviduthi, Kadavur Taluk, Karur District, based on the petitioner's representations dated 25.03.2025 and 03.04.2025.

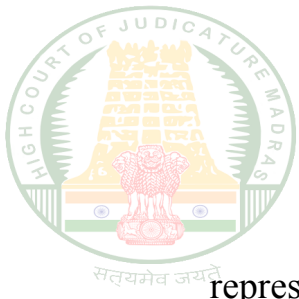


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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the sixth respondent is dispensed with.

3.The petitioner claims to be a resident of Palaviduthi Village, Kadavur Taluk, Karur District and is engaged in agricultural activities. He asserts that adjacent to his land, the sixth respondent, along with his brother, owns property in Survey Nos. 209/1A and 209/2B and has recently installed electric fencing in and around their land. The grievance of the petitioner is that several school-going children reside in and around the said locality and the installation of the electric fence poses a serious threat to their safety as well as to the general public. According to the petitioner, the lives of the local residents are at constant risk due to the presence of the live electric fencing. In this regard, the petitioner submitted representations dated 25.03.2025 and 03.04.2025 to respondents 2 and 3, narrating the facts and requesting the removal of the electric fencing. However, as no action has been taken on the said



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representations, the petitioner has now approached this Court by filing the present Writ Petition.

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. Considering the potential threat faced by the children and local residents, there shall be a direction to the fifth respondent to take appropriate action in accordance with law, after providing due opportunity to the petitioner as well as to all other persons who may be interested in the subject matter, within a period of fifteen (15) days 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



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matter and that it is open to the fifth 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.

09.04.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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