



W.P.(MD).No.10506 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10506 of 2025
and W.M.P.(MD)No.7855 of 2025

1.A.Ravi
2.Nagalatha
3.Dharmendar

... Petitioners

-VS-

1. The District Collector,
Theni District,
Theni.

2. The Thasildhar,
Bodinayakkanur,
Theni District.

3. The Executive Officer,
Melachokkanathapuram Town Panchayat,
Melachokkanathapuram,
Bodinayakkanur Taluk,
Theni District.

4. The President,
Melachokkanathapuram Town Panchayat,
Melachokkanathapuram,
Bodinayakkanur Taluk,
Theni District.

... Respondents



W.P.(MD).No.10506 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to restrain the 3rd and 4th respondents in any way obstructing the peaceful ingress and egress of the petitioner by constructing a compound wall or in any manner in the Nilaviyal Pathai (Geological Route) in Survey No.289/1B, Melachokkanathapuram, Bodinayakkanur Taluk, Theni District by considering their representation dated 13.03.2025 within the period that may be stipulated by this Court.

For Petitioners : Mr.M.Jerin Mathew

For Respondents : Mr.C.Venkatesh Kumar,

Spl. Govt. Pleader (R1)

Mr.D.Sadiq Raja,

Addl. Govt. Pleader (R2)

Mr.A.Baskaran,

Addl. Govt. Pleader (R3).

ORDER

This writ petition has been filed seeking a direction to the 1st and 2nd respondents to restrain the 3rd and 4th respondents in any way obstructing the peaceful ingress and egress of the petitioner by constructing a compound wall or in any manner in the Nilaviyal Pathai (Geological Route) in Survey No. 289/1B, Melachokkanathapuram, Bodinayakkanur Taluk, Theni District by considering the representation dated 13.03.2025.



W.P.(MD).No.10506 of 2025

WEB COPY

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The first and the second petitioners are the husband and wife. They executed a gift deed in favour of the third petitioner, who is their son and the third petitioner also constructed a house after getting approval. In the said approval, the northern boundary is shown as pathway. However, the third and fourth respondents are restraining the ingress and egress of the petitioners and they are proposed to construct a compound wall. Hence, the petitioner made a representation to the respondents dated 13.03.2025. Since the said representation was not considered, the petitioners have filed 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



W.P.(MD).No.10506 of 2025

WEB COPY

extraordinary powers under Article 226 of the Constitution of 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 first respondent to consider the petitioners' representation dated 13.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and the third and fourth respondents, 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 to consider the same on its own merits.

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

21.04.2025
(2/2)

NCC : Yes/No
Index : Yes / No
sm



W.P.(MD).No.10506 of 2025

WEB COPY

TO:-

1. The District Collector,
Theni District,
Theni.
2. The Thasildhar,
Bodinayakkanur,
Theni District.
3. The Executive Officer,
Melachokkanathapuram Town Panchayat,
Melachokkanathapuram,
Bodinayakkanur Taluk,
Theni District.



WEB COPY



W.P.(MD).No.10506 of 2025

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.10506 of 2025
(2/2)

Dated:
21.04.2025