



W.P.(MD)No.12231 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12231 of 2025

N.Priyadarshan

: Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Block Development Officer,
(Panchayat),
Thirupurankundram Union, Madurai.

3. The Tahsildar,
Madurai West Taluk,
Madurai.

4. Krishnamoorthy

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to implement the enforcement notice in a.Ka.No.3867/2024/Thi2 dated 15.11.2024 and 07.02.2025 by considering the petitioner's representation dated 19.03.2025 within the time frame.

For Petitioners : Mr.M.Mahaboob Athiff

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader



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for R1 & R3

Mr.D.Shanmuga Raja Sethupathy for R4

Mr.R.Ragavendran

Government Advocate for R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 3 to implement the enforcement notice in Na.Ka.No. 3867/2024/Thi2, dated 15.11.2024 and 07.02.2025 by considering the petitioner's representation dated 19.03.2025, within the time frame.

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.

3. The petitioner asserts that, pursuant to his representation, the Zonal Deputy Tahsildar submitted a report stating that the public pathway had been encroached upon by the fourth respondent and the same was reported to the second respondent for appropriate action. Subsequently, the second respondent issued a notice dated 15.11.2024, directing the fourth respondent to remove the encroachment. However, the said direction has not been implemented by the concerned authorities.



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In this regard, the petitioner submitted a detailed representation to the respondents, requesting enforcement of the notices dated 15.11.2024 and 07.02.2025. As no action was taken, the petitioner has now approached this Court by filing the present Writ Petition.

4.The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner dated 19.03.2025 and pass appropriate orders, within a time frame that may be stipulated by this court.

5. 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.



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6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 19.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks 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.

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

28.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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