



W.P(MD)No.15160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.15160 of 2024
and
WMP(MD)No.13278 of 2024**

N.Sundereshwari

... Petitioner

vs.

1. The Commissioner (CLA),
Commissionerate of Land Administration,
Chepauk,
Chennai – 600 005.

2. The Assistant Settlement Officer (South),
Survey and Settlement Department,
Survey House,
Chepauk,
Chennai – 600 005.

3. The Regional Deputy Director,
Survey and Land Records Department,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to restore the Government Poramboke pathway in old Survey



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No.44/1 at Chinnakattalai Village, Peraiyur Taluk, Madurai District, in
New Re-Survey Records within a stipulated time.

For Petitioner : Mr.S.Bharathy Kannan
For R1 to R3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the respondents 1 to 3 herein to restore the Government Poramboke pathway in old Survey No.44/1 at Chinnakattalai Village, Peraiyur Taluk, Madurai District, in New Re-Survey Records within a stipulated time.

2. Alleging encroachment over the Government poramboke pathway in the above said survey number, the petitioner made a representation dated 23.05.2024 to the official respondents to take appropriate action and finding no heed to it was paid, she has filed the present writ petition.



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3. Heard both sides.

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 official respondents to consider the petitioner's representation dated 23.05.2024, 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 property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not



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expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
24.01.2025

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To

1. The Commissioner (CLA),
Commissionerate of Land Administration,
Chepauk,
Chennai – 600 005.

2. The Assistant Settlement Officer (South),
Survey and Settlement Department,
Survey House,
Chepauk,
Chennai – 600 005.

3. The Regional Deputy Director,
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
W.P(MD)No.15160 of 2024
DATED : 24.01.2025