

**WP(MD). No.2223 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 28.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE**

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**P.Thomas**

**... Petitioner**

**Vs**

**1. The District Collector / Monitoring Committee,  
Thoothukudi District,  
Thoothukudi.**

**2. The Tahsildar,  
Srivaikundam Taluk,  
Thoothukudi District.**

**3. The Block Development Officer,  
Karungulam Panchayat Union,  
Office Situated at Seithunganallur,  
Srivaikundam Taluk,  
Thoothukudi District.**

**4. The President,  
Karungulam Panchayat,  
Karungulam,  
Srivaikuntam Taluk,  
Thoothukudi District.**

**5. Backiyathai**



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6. Gopi

7. Thainesh

8. Thomas

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the respondents 5 to 8 in the public road mentioned as S.No. 461B/41 Karungulam Village, Srivaikundam Taluk, Thoothukudi District

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.J.Ashok for R1 to R4  
Additional Government Pleader

### **ORDER**

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the respondents 5 to 8, notice to the private respondents is dispensed with.



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3. The petitioner has filed this writ petition for a mandamus to direct the respondents 2 to 4 to remove the encroachment made by the respondents 5 to 8 in the public road mentioned as S.No. 461B/41 Karungulam Village, Srivaikundam Taluk, Thoothukudi District

4. In order to take remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 27.12.2021. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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.



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6. In the light of the above observations, there shall be a direction to the respondents 2 to 4 to consider the petitioner's representation dated 27.12.2021 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent as well as all other persons, who may be interested in the subject matter, 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 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.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

**[M.S.R.,J]**

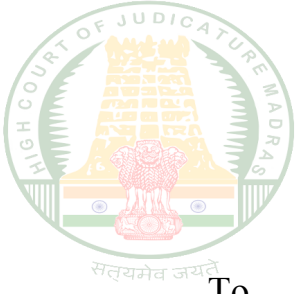
**[A.D.M.C.,J]**

**28.01.2025**

**NCC : Yes/No**

**Index : Yes/No**

**RR**



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