



W.P(MD)No.19814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.01.2025

CORAM :

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

**W.P(MD)No.19814 of 2024
and
WMP(MD)No.16792 of 2024**

ANBARASAN
REPRESENTATIVE OF JAMEENDHARVALASAI,
ILANTHAIKOOTTAM,
ILANTHAIKOOTTAM YADHAVAR
KUDIYURUPPU VILLAGE POEPLA,
SIDDARKOTTAI POST,
RAMANATHAPURAM DISTRICT.

... PETITIONER

vs.

1 THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF
POLICE, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE DISTRICT COLLECTOR
RAMANATHAPURAM,



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RAMANATHAPURAM DISTRICT.

5 THE REVENUE DIVISIONAL OFFICER,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

6 THE TAHSILDAR
RAMANATHAPURAM TALUK,
RAMANATHAPURAM DISTRICT.

7 ZAHIRHUSSAIN

8 HAMEETHIYA RANI

... RESPONDENTS

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment by the 7th and 8th respondents by laying pipeline to transport water from Jamintharvalasai Village, Chittarkottai Village Panchayath to Devipattinam Village Panchayath, Ramanathapuram Taluk, Ramanathapuram District within a time stipulated by this Hon'ble Court.

For Petitioner	: Mr.G.Kasinathadurai
For R1 to R3	: Mr.P.Kottaichamy Government Advocate (Crl.Side)
For R4 to R6	: Mr.P.Thilakkumar Government Pleader
For R8	: Mr.R.L.Dilipan Pandian



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ORDER

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

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This writ petition has been filed for a Mandamus, directing the respondents 1 to 6 to remove the encroachment by the 7th and 8th respondents, by laying pipeline to transport water from Jamintharvalasai Village, Chittarkottai Village Panchayath to Devipattinam Village Panchayath, Ramanathapuram Taluk, Ramanathapuram District, within a time stipulated by this Hon'ble Court.

2. Alleging encroachment by the respondents 7 and 8, by laying pipeline to transport water from Jamintharvalasai Village, Chittarkottai Village Panchayath to Devipattinam Village Panchayath, Ramanathapuram Taluk, Ramanathapuram District, the petitioner made a representation dated 01.08.2024 to the respondents 1 to 6 to take appropriate action and finding no heed to it was paid, he has filed the present writ petition.

3. Heard both sides.



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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 01.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, respondents 7 and 8, 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 expressed any of its views with regard to the merits of the



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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.)
23.01.2025

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A.D.MARIA CLETE, J.
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ORDER MADE IN
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DATED : 23.01.2025