



W.P(MD)No.23972 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.23972 of 2024

K.Neelathal

... Petitioner

vs.

1. The District Collector,
Collectorate,
Dindigul District.

2. The Executive Engineer,
Public Works Department,
Ottanchathiram.

3. The Thasildhar,
Taluk Office,
Ottanchathiram.

4. Muthulakshmi

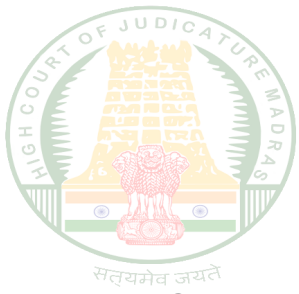
5. Velusamy

6. Kunjithabham

7. Senthilkumar

8. Kuppusamy

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the water body encroachment made in the Government Odai lies in S.No.1228 of Kallimanthiyam Village, Ottanchathiram Taluk, Dindigul District, based upon petitioner's representation to the 1 to 3 respondents dated 27.09.2024.

For Petitioner : Mr.S.Kishore Kumar

For R1 to R3 : Mr.P.Thilakkumar

Government Pleader

For R4 to R6 & R8 : Mr.S.Sadesh Kumar

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

The prayer in this writ petition is for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made in the Government Odai lies in S.No.1228 of Kallimanthiyam Village, Ottanchathiram Taluk, Dindigul District, based upon the petitioner's representation dated 27.09.2024.

2. It is the grievance of the petitioner that his representation dated 27.09.2024, seeking removal of the encroachment in the abovesaid



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survey number is kept pending till date without any progress.

Therefore, he has filed this Writ Petition for the abovesaid prayer.

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 27.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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petitioner, private respondents 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 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.

[J.N.B, J.] [S.S.Y, J.]
20.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
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2. The Executive Engineer,
Public Works Department,
Ottanchathiram.



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3. The Thasildhar,
Taluk Office,
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AND
S.SRIMATHY, J.

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ORDER MADE IN
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