



W.P(MD)No.24265 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.01.2025

CORAM :

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

W.P(MD)No.24265 of 2024

Athithan

... Petitioner

vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Assistant Director of Panchyat,
Thanjavur Region,
Thanjavur,
Thanjavur District.

3. The Assistant Director of Town and Country Planning,
Office of the District Town and Country Planning,
Thanjavur Region, No.33, Rajappa Nagar,
4th Street, Medical College Road,
Thanjavur,
Thanjavur District.

4. The Executive Officer / Monitoring Committee,
Adudurai Selection Grade Town Panchayat,
Thiruvidaimaruthur Taluk,
Thanjavur District.



W.P(MD)No.24265 of 2024

5. The Revenue Divisional Officer,
Kumbakonam Division,
Kumbakonam,
Thanjavur District.

6. The Tahsildar,
Thiruvidaimaruthur Taluk,
Thiruvidaimaruthur,
Thanjavur District.

7. The Village Administrative Officer,
Maruthuvakudi Village,
Thiruvidaimaruthur Taluk,
Thanjavur District.

8. A.Kamesh

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 herein to remove the illegal encroachment made in blocking the common public road maintained by the 4th respondent in S.No.12/3B, situate at Balan Nagar, Adudurai Selection Grade Town Panchayat, Maruthuvakudi Village, Thiruvidaimaruthur Taluk, Thanjavur District, by erecting permanent structure.

For Petitioner : Mr.A.Saravanan

For R1 to R7 : Mr.S.Shaji Bino

Special Government Pleader



WEB COPY



W.P(MD)No.24265 of 2024

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 7 herein, to remove the illegal encroachment made in blocking the common public road maintained by the 4th respondent in S.No.12/3B situate at Balan Nagar, Adudurai Selection Grade Town Panchayat, Maruthuvakudi Village, Thiruvudaimaruthur Taluk, Thajavur District, by erecting permanent structure.

2. Alleging encroachment on the abovesaid public road, the petitioner made a representation dated 22.06.2024 to the respondents to remove the same and finding no response to the same, he has submitted a petition / representation dated 02.09.2024, to the 1st respondent, during the Grievance Day and finding no heed to it was paid, he has filed the present writ petition.

3. Heard both sides.



W.P(MD)No.24265 of 2024

WEB COPY 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 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, 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



W.P(MD)No.24265 of 2024

matter and that it is open to the concerned respondents to consider the

WEB COPY same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
21.01.2025

bala

To

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Assistant Director of Panchyat,
Thanjavur Region,
Thanjavur,
Thanjavur District.

3. The Assistant Director of Town and Country Planning,
Office of the District Town and Country Planning,
Thanjavur Region, No.33, Rajappa Nagar,
4th Street, Medical College Road,
Thanjavur,
Thanjavur District.



W.P(MD)No.24265 of 2024

4. The Executive Officer / Monitoring Committee,
Adudurai Selection Grade Town Panchayat,
Thiruvidaimaruthur Taluk,
Thanjavur District.

5. The Revenue Divisional Officer,
Kumbakonam Division,
Kumbakonam,
Thanjavur District.

6. The Tahsildar,
Thiruvidaimaruthur Taluk,
Thiruvidaimaruthur,
Thanjavur District.

7. The Village Administrative Officer,
Maruthuvakudi Village,
Thiruvidaimaruthur Taluk,
Thanjavur District.



WEB COPY



W.P(MD)No.24265 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
bala

ORDER MADE IN
W.P(MD)No.24265 of 2024
DATED : 21.01.2025