



W.P.(MD).No.24482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.01.2025

CORAM

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

W.P.(MD).No.24482 of 2024
and
W.M.P.(MD).Nos.20830 and 23176 of 2024

C.Kaliyaperumal

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Cantonment,
Trichy,
Trichy District.
- 2.The Joint Director of Town and
Country Planning,
Trichy Region,
Kajamalai Road,
Trichy.
- 3.The Revenue Divisional Officer,
Trichy,
Trichy District.
- 4.The Tahsildar,
Srirangam Taluk,
Trichy,
Trichy District.



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5. The Block Development Officer,
Manikandam Panchayat Union,
Manikandam,
Trichy – 12.

6. The Nagamangalam Village Panchayat,
Represented by its President,
Srirangam Taluk,
Trichy District.

7. A. Lourdhusamy,
Proprietor, Brindavan Enclave,
Door No.34/1, Vittampatti,
Kalkudi, Viralimalai Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 2 to 6 to take action for the removal of the unauthorized development made encroaching the public road in S.No.45/1A2, Nagamangalam Village, Srirangam Taluk, Trichy District by considering the petitioner's representation dated 07.09.2024 within a time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For R-1 to R-5 : Mr.J.Ashok

Additional Government Pleader

For R-7 : Mr.G.Karnan

ORDER

This Writ Petition has been filed for a Mandamus, directing the respondents 2 to 6 to take action for the removal of the unauthorized development made encroaching the public road in S.No.45/1A2,



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Nagamangalam Village, Srirangam Taluk, Trichy District by considering the petitioner's representation dated 07.09.2024 within a time that may be stipulated by this Court.

2. The petitioner herein had given a representation to the official respondents on 07.09.2024, for removal of the unauthorized development made encroaching the public road in S.No.45/1A2, Nagamangalam Village, Srirangam Taluk, Trichy District. Since the said representation was not considered, the present Writ Petition has been filed.

3. 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.



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4. In the light of the above observations, there shall be a direction to the fifth respondent herein to consider the petitioner's representation dated 07.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the seventh respondent herein, as well as all other persons, who may be interested in the subject matter, within a period of three (3) 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
08.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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and
A.D.MARIA CLETE,J.

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