



W.P(MD)No.24935 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM :

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

**W.P(MD)No.24935 of 2024
and
WMP(MD)No.21222 of 2024**

Kannan

... Petitioner

vs.

1. The District Collector Cum Monitoring Committee,
Madurai District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam Taluk,
Theni District.

3. The Block Development Officer,
Uthamapalayam Taluk,
Theni District.

4. The Thasildhar,
Uthamapalayam Taluk,
Theni District.

5. S.Jeyaraj

6. R.Gopi

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the respondents 5 and 6 in the poramboke land comprised in Survey No.217/1 situated at Kanniservaipatti Village, Uthamapalayam Taluk, Theni District, within a stipulated time period in accordance with law by considering the representations dated 20.08.2024.

For Petitioner : Mr.C.Senthil Murugan
For R1 to R4 : Mr.P.Thilakkumar
Government Pleader
For R5 & R6 : Mr.D.Saravanan

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 4 herein to remove the encroachment made by the respondents 5 and 6 in the poramboke land comprised in Survey No. 217/1 situated at Kanniservaipatti Village, Uthamapalayam Taluk, Theni District, within a stipulated period in accordance with law, by considering the representation dated 20.08.2024.



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2. Alleging encroachment over the Government poramboke

land in the above said survey number, the petitioner made a representation dated 20.08.2024 to the official respondents to take appropriate action and finding no heed to it was paid, she has filed the present writ petition.

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.



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5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 20.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the 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. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
24.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
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