



W.P.(MD)No.31244 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.31244 of 2024

Selvam

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Paramakudi Taluk,
Ramanathapuram District.

4.The District Registrar,
District Registrar Office,
Ramanathapuram District.



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5.The Sub Registrar,
Sub Registrar Office,
Pogalur, Ramanathapuram District.

6.K.Balakrishnan

7.Sundar Rajan

8.Selvi

9.Arumugam : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment in the village public pathway by illegal construction of houses built by the respondents 6 to 9 lying in Survey No.231/1 situated at Vadakku Street, Pogalur Village, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Mr.P.Ranjith Kumar

For Respondents 1 to 5 : Mr.P.Thilak Kumar
Government Pleader



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ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 3 to remove the encroachment in the village public pathway by illegal construction of houses built by the respondents 6 to 9 lying in Survey No.231/1 situated at Vadakku Street, Pogalur Village, Paramakudi Taluk, Ramanathapuram District.

3.Since this Court is directing the respondents 1 to 3 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given a representation to the official respondents on 07.08.2024, in this regard. Since the said



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representation was not considered, the present writ petition has been filed.

5.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.

6.In the light of the above observations, there shall be a direction to the respondents 1 to 3 to consider the petitioner's representation dated 07.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 6 to 9, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear



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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.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

06.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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