



W.P.(MD).No.31231 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.31231 of 2024

V.C.Manimurasu

... Petitioner

Vs.

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

2.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

3.The Executive Officer,
Thirupathur Town Panchayat,
Thirupathur,
Sivagangai District.

4.C.Selvam

5.K.Vellaikannu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st to 3rd respondents to remove the encroachment made by 4th and 5th respondents in the pathway at S.No.92/3 Thirupathur Town Panchayat, Sivagangai District based on the letter communication dated 09.02.2023 by 3rd respondent.



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For Petitioner : Mr.J.Gunaseelan Muthiah
For R-1 & R-2 : Mr.J.Ashok
Additional Government Pleader
For R-3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the pathway at S.No.92/3 Thirupathur Town Panchayat, Sivagangai District based on the letter/communication dated 09.02.2023 by the third respondent.

3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 05.07.2024 to remove the encroachments alleged to have been made by the respondents 4 and 5 in the pathway. Since the said representation was not considered, the present Writ Petition has been filed.



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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 herein to consider the petitioner's representation dated 05.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5 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.



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7. With the above direction, the 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

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

To

1.The District Collector / Monitoring Committee,
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2.The Tahsildar,
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Sivagangai District.

3.The Executive Officer,
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and
A.D.MARIA CLETE,J.

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