



W.P.(MD)No.28668 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28668 of 2024

Priya

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Block Development Officer,
Thiruvadanai Panchayat Union,
Thiruvadanai Taluk,
Ramanathapuram District.
3. The President,
Neivayal Panchayat,
Neivayal Village,
Thiruvadanai Taluk,
Ramanathapuram District.
4. Latha (Ex President)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd and 4th respondents not to restrain the petitioner from using the public pathway passing through S.No.



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102/11 at Neivayal Village, Thiruvadanai Taluk, Ramanathapuram District, by the petitioner.

For Petitioner : Mr.A.Srinivasan
For Respondents : Mr.T.Amjad Khan (R1)
Government Advocate
Mr.S.S.Madhavan (R2 & R3)
Government Advocate
No appearance (R4)

ORDER

This writ petition has been filed seeking for a direction to the 3rd and 4th respondents not to restrain the petitioner from using the public pathway passing through S.No. 102/11 at Neivayal Village, Thiruvadanai Taluk, Ramanathapuram District, by the petitioner.

2. Though the name of the fourth respondent is printed in the cause list, none appears on her behalf. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.



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4. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 2 and 3 on instructions submitted that the respondents are not restraining the petitioner from using the said public pathway. In this regard, the petitioner made a representation on 08.08.2024 to the respondents.

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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, this Court, without going into the merits of the case, direct the third respondent to consider the petitioner's representation dated 08.08.2024, after putting the petitioner and the fourth respondent on notice and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.



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

02.01.2025

NCC : Yes / No
Index : Yes / No
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TO:-

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Thiruvadanai Taluk,
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3. The President,
Neivayal Panchayat,
Neivayal Village,
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.28668 of 2024

Dated
02.01.2025