



W.P.(MD)No.31287 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.31287 of 2024

and

W.M.P.(MD)No.26208 of 2024

T.Joseph

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruchendhur Division,
Tiruchendur, Tuticorin District.

2. The Tahsildar,
Sathankulam Taluk,
Sathankulam,
Tuticorin District.

3. The Village Administrative Officer,
Pudukkulam Village,
Sathankulam Taluk,
Tuticorin District.

4. Shanmugavel

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to cancel the Govt. land clarification of the petitioner's land as the public road in Old Survey No. 932/1, New Survey No.1166/5, Pudukulam Village, Sathankulam Taluk, Tuticorin District as per petitioner's representation dated 28.10.2024 to the 1st respondent.



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For Petitioner : Mr.M.Punitha Devakumar
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 to 3 to cancel the land classification of the petitioner's land as the public road in Old Survey No. 932/1, New Survey No.1166/5, Pudukulam Village, Sathankulam Taluk, Tuticorin District, as per petitioner's representation dated 28.10.2024 to the 1st respondent.

2. Considering the limited scope of the relief sought for in this writ petition, notice to the fourth respondent is dispensed with. 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. The petitioner made a representation dated 28.10.2024 to cancel the land classification of the petitioner's land as public road in Old Survey No. 932/1, New Survey No.1166/5, Pudukulam Village, Sathankulam Taluk, Tuticorin District. Since the same has not been considered, this 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 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 official respondents to consider the petitioner's representation dated 28.10.2024 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the fourth respondent, within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

02.01.2025

NCC : Yes / No
Index : Yes / No



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- TO:-**
1. The Revenue Divisional Officer,
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Tiruchendur,
Tuticorin District.
 2. The Tahsildar,
Sathankulam Taluk,
Sathankulam,
Tuticorin District.
 3. The Village Administrative Officer,
Pudukkulam Village,
Sathankulam Taluk,
Tuticorin District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.31287 of 2024

Dated
02.01.2025