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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.2070 of 2025

and

W.M.P.(MD)No.1464 of 2025

Lakshmanan.R.V. : Petitioner

Vs.

1.The District Collector,
Collectorate, Pudukkottai District.

2.The District Revenue Officer,
Collectorate, Pudukottai District.

3.The Revenue Divisional Officer,
Illuppur, Pudukottai District.

4.The Tahsildar, Kulathur,
Office at Keeranoor, Kulathur Taluk,
Pudukkottai District. : Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pass appropriate orders within a limited time frame with regard to considering my representation dated 29.07.2024 and consequently to remove the encroachment made on "Anathinam Land" in Survey No.265 of Nanjur Village, Kulathur Taluk, Pudukottai District.

For Petitioner : Mr.S.Vijayasarathi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

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[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 to pass appropriate orders within a limited time frame with regard to considering the petitioner's representation dated 29.07.2024 and

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consequently to remove the encroachment made on “Anathinam Land” in Survey No.265 of Nanjur Village, Kulathur Taluk, Pudukottai District.

3.The petitioner herein had given representation to the respondents on 29.07.2024, for removal of the alleged encroachment. Since the said representation was not considered, the present writ petition has been filed.

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.

5.In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 29.07.2024, on its own merits and pass appropriate orders in

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accordance with law, after giving due opportunity to the petitioner herein 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 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, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

27.01.2025

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

W.P.(MD)No.2070 of 2025

27.01.2025

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