



WP(MD). No.2002 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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Palanichamy

... Petitioner

Vs

1. The District Collector,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.
2. The District Revenue Officer,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.
4. The Tahsildar / Monetary Committee,
Taluk Office,
Vilathikulam,
Thoothukudi District.



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5. The Assistant Commissioner,
HR and CE Department,
Thoothukudi,
Thoothukudi District.

6. Ayyanar

7. Shanmugaraj

8. Mariaselvam ... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 at petitioners village temple lands of Survey Nos. 426, 426/4 having extent of 0.58.0 ares, situated at Thathaneri Village, Vilathikulam, Thoothukudi District by considering the petitioners representations dated 23.09.2024, 05.11.2024 and 05.12.2024 respectively

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.P.Thilak Kumar for R1 to R5
Government Pleader

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.



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2. Since no adverse orders are going to be passed against the private respondents, notice to the private respondents is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 at petitioners village temple lands of Survey Nos. 426, 426/4 having extent of 0.58.0 ares, situated at Thathaneri Village, Vilathikulam, Thoothukudi District by considering the petitioners representations dated 23.09.2024, 05.11.2024 and 05.12.2024 respectively.

4. In order to remove the encroachment made by the private respondent, the petitioner has given a representation to the official respondents on 05.12.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to



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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 5 to consider the petitioner's representation dated 05.12.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents as well as all other persons, who may be interested in the subject matter, within a period of three 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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6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No

Index : Yes/No

RR



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