



W.P.(MD)No.27531 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.27531 of 2025

and

W.M.P.(MD).No.21421 of 2025

Malaisamy

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.

3.The Executive Engineer,
Tamilnadu Water Supply and Drainage Board,
Sivagangai Taluk,
Sivagangai District.

4.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

5.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to stop the illegal construction under the scheme of Cauvery Combined Water Scheme in the petitioner's Patta land in Survey No.78 of Puthupatti Village, Sivagangai Taluk, Sivagangai District and to pay the compensation for which the damage is caused.

For Petitioner	: Mr.R.Balamuruganantham
For R-1 to R-4	: Mr.A.Baskaran, Additional Government Pleader
For R-5	: Mr.P.Kottai Samy, Government Advocate (Criminal Side)

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, directing the respondents to stop the illegal construction under the scheme of Cauvery Combined Water Scheme in the petitioner's Patta land in Survey No.78 of Puthupatti Village, Sivagangai Taluk, Sivagangai District and to pay the compensation for which the damage is caused.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner and his brother are in possession and enjoyment of the properties situated in Survey No.78, Puthupatti Village, Sivagangai Taluk, Sivagangai District. On 17.09.2025, the officials of the TWAD Board commenced construction work by digging up the petitioner's agricultural lands without any prior intimation to him, during which they also damaged the well used for agricultural activities. In this regard, the petitioner lodged a criminal complaint before the concerned Police. However, instead of stopping the illegal construction activities undertaken by the TWAD officials, the Police extended their support to them, resulting in the continuation of the works. Aggrieved by the same, the petitioner submitted a representation to the respondents on 26.09.2025. Since the said representation has not been considered till date, the petitioner has filed the present Writ Petition.

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



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of 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 26.09.2025 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is also 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 respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.10.2025

Index : Yes / No
NCC : Yes / No
TSG



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M.DHANDAPANI, J.

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