



W.P.(MD).No.31383 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.01.2025

CORAM

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

W.P.(MD).No.31383 of 2024

Dr.Jayakumar

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Commissioner,
Dindigul Municipal Corporation Office,
Dindigul.

3.The Tahsildar,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.1681/4 is a 60-feet-wide scheme road situated at Dindigul Race Course Road, Dindigul Town by considering the petitioner's representation dated 17.10.2024.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 & R-3 : Mr.S.Shaji Bino

Special Government Pleader

For R-2 : Mr.J.Lawrance



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ORDER

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By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for a Mandamus, directing the respondents to remove the encroachment made in Survey No.1681/4, 60-feet-wide scheme road situated at Dindigul Race Course Road, Dindigul Town by considering the petitioner's representation dated 17.10.2024.

3. The petitioner herein had given a representation to the respondents on 17.10.2024 to remove the encroachment made in Survey No.1681/4, 60-feet-wide scheme road at Dindigul Race Course Road, Dindigul Town. 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



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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 herein to consider the petitioner's representation dated 17.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein, as well as all other persons, who may be interested in the subject matter, 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, the Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Dindigul District.
- 2.The Commissioner,
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- 3.The Tahsildar,
Dindigul,
Dindigul District.



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M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

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