



W.P.(MD)No.579 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.579 of 2025

P.Sivakumar

: Petitioner

Vs.

1.The District Collector/Monitoring Committee,
Office of the District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Office of the Tahsildar,
Kayathar Taluk,
Thoothukudi District.



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4.The Block Development Officer,
Office of the Block Development Officer,
Kayathar,
Thoothukudi District.

5.The Secretary,
Thennampatti Village Panchayat,
Kayathar Taluk,
Thoothukudi District.

6.Velraj

7.Ramadas : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to remove all the encroachments in Survey No.159/1 at Thennampatti Village, Kayathar Taluk in Thoothukudi District in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents 1 to 5 : Mr.S.Shaji Bino

Special Government Pleader



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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.

2.This writ petition has been filed for a Mandamus to direct the official respondents to remove all the encroachments in Survey No.159/1 at Thennampatti Village, Kayathar Taluk in Thoothukudi District in accordance with law.

3.Since this Court is directing the official respondents to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given a representation to the official respondents on 14.09.2023, in this regard. Since the said representation was not considered, the present writ petition has been filed.



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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 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.

6.In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 14.09.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 6 & 7, 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.



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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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

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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

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