



W.P.(MD).No.30872 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.30872 of 2024
and
W.M.P.(MD).No.25945 of 2024

K.Thulasiraman

... Petitioner

Vs.

- 1.The District Collector (Monitoring Committee),
District Collector Office,
Madurai District.
- 2.The District Revenue Officer,
District Revenue Office,
Madurai District.
- 3.The Revenue Divisional Officer,
Melur at Vellaripatti,
Madurai District.
- 4.The Tahsildar,
Madurai East Taluk,
Madurai District.
- 5.The President,
Ilangiyenthal Village Panchayat,
Puduthamaraipatti Post,
Madurai District.

6.Pandiyarajan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1 to 5 respondents to remove the encroachment made by the 6th respondent in the Government land in Old S.No.45/3, new S.No.73/17 and further direction to the authorities to demolish the building which has been put up by 6th respondent without any building plan approval in S.No.45/3 Ilangiyenthal Village, Madurai East Taluk.

For Petitioner : Mr.J.Anandkumar
For R-1 to R-5 : Mr.J.Ashok
Additional Government Pleader
For R-6 : Mr.B.Saravanan
Senior Counsel

ORDER

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 1 to 5 to remove the encroachment made by the sixth respondent in the Government land in Old S.No.45/3, New S.No.73/17 and further direction to the authorities to demolish the building put up by the sixth respondent without any building plan approval in S.No.45/3 Ilangiyenthal Village, Madurai East Taluk.



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3. The petitioner herein had given a representation to the official respondents on 11.12.2024 to remove the encroachments alleged to have been made by the sixth respondent in the subject lands. 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 1 to 5 herein to consider the petitioner's representation dated 11.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent 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



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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. Consequently, connected miscellaneous petition stands closed.

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

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

To

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A.D.MARIA CLETE,J.

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