



W.P.(MD).No.30887 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.30887 of 2024
and
W.M.P.(MD).No.25960 of 2024

J.Narendrakumar

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
O/o. the District Collectorate,
Madurai District.
- 2.The District Revenue Officer,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai North Taluk,
Madurai District.
- 4.The Tahsildar,
Madurai North Taluk,
Madurai District.
- 5.The Block Development Officer,
Madurai West Panchayat Union,
Madurai.



W.P.(MD).No.30887 of 2024

6. The Alathur Panchayat,
Rep. by its President,
Alathur Panchayat,
Madurai West Panchayat Union,
Madurai.

7. Ravichandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment and unauthorized construction made by the 7th respondent in the Government Road comprised in R.S.No.14/1, Alathur Village, Madurai North Taluk, Madurai District within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin

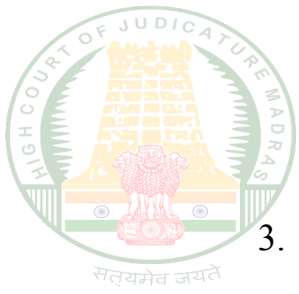
For R-1 to R-5 : Mr.J.Ashok

Additional Government Pleader

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 6 to remove the encroachment and unauthorized construction made by the 7th respondent in the Government Road comprised in R.S.No.14/1, Alathur Village, Madurai North Taluk, Madurai District within the period that may be stipulated by this Court.



W.P.(MD).No.30887 of 2024

3. Since no adverse orders are going to be passed against the seventh respondent, notice to the seventh respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 05.12.2024 to remove the encroachment and unauthorized construction alleged to have been made by the seventh respondent in the road. Since the said representation was not considered, the present Writ Petition has been filed.

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 respondents 1 to 6 herein to consider the petitioner's representation dated



W.P.(MD).No.30887 of 2024

05.12.2024, on its own merits and pass appropriate orders in accordance with

WEB COPY

law, after giving due opportunity to the petitioner and the seventh 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 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.

7. 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

1.The District Collector / Monitoring Committee,
O/o. the District Collectorate,
Madurai District.

2.The District Revenue Officer,
Madurai District,
Madurai.



W.P.(MD).No.30887 of 2024

3. The Revenue Divisional Officer,
Madurai North Taluk,
Madurai District.

4. The Tahsildar,
Madurai North Taluk,
Madurai District.

5. The Block Development Officer,
Madurai West Panchayat Union,
Madurai.

6. The President,
The Alathur Panchayat,
Alathur Panchayat,
Madurai West Panchayat Union,
Madurai.



WEB COPY



W.P.(MD).No.30887 of 2024

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

Lm

W.P.(MD).No.30887 of 2024

06.01.2025