



W.P.(MD).No.31000 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**

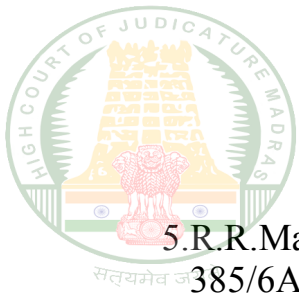
W.P.(MD).No.31000 of 2024
and
W.M.P.(MD).No.26042 of 2024

Kanam Latex Industries Private Limited,
Represented by its Director,
Ravi Kurian Joy.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Secretariat,
Chennai.
- 2.The District Collector,
O/o. the District Collectorate,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Nanguneri,
Tirunelveli District.
- 4.The Tahsildar,
Nanguneri Taluk
Tirunelveli District.



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5.R.R.Marble and Granites Company,
385/6A1B, AMRL SEZ,
Vagaikulam Main Road,
Therku Nanguneri,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the fencing made by the 5th respondent in the Government Road comprised in S.No.385/4, South Nanguneri Village, Tirunelveli District and consequently to direct the respondents 1 to 4 to forbear the 5th respondent from putting up construction in the said land within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin

For R-1 to R-4 : Mr.S.R.A.Ramachandran

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 4 to remove the fencing made by the fifth respondent in the Government Road comprised in S.No.385/4, South Nanguneri Village, Tirunelveli District and consequently, to direct the respondents 1 to 4 to forbear



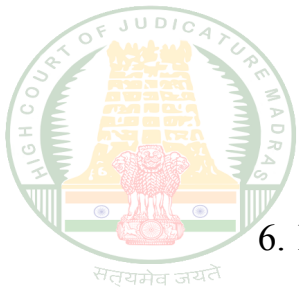
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the fifth respondent from putting up construction in the said land within the period that may be stipulated by this Court.

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

4. The petitioner herein had given a representation to the official respondents on 28.11.2024 to remove the fencing made by the fifth respondent in the Government road comprised in S.No.385/4, South Nanguneri Village, Tirunelveli District. 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.



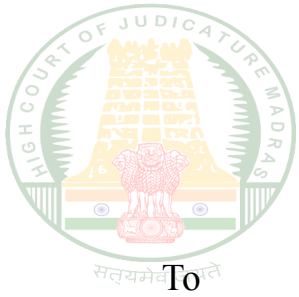
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6. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 28.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth 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



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To

1. The Secretary,
The State of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai.
2. The District Collector,
O/o. the District Collectorate,
Tirunelveli District.
3. The Revenue Divisional Officer,
Nanguneri,
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4. The Tahsildar,
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and
A.D.MARIA CLETE,J.

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