



W.P.(MD)No.30893 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.30893 of 2024

N.G.Seenivasan

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Office of the District Collector,
Collectorate Campus,
Virudhunagar District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.



W.P.(MD)No.30893 of 2024

WEB COPY

4.The Commissioner of Municipality,
Municipality Office,
Srivilliputhur,
Virudhunagar District.

5.The Deputy Tahsildar,
Deputy Taluk Office,
Srivilliputhur,
Virudhunagar District.

6.The Head Surveyor,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

7.The Village Administrative Officer,
North Srivilliputhur Village,
Virudhunagar District.

8.Bharathan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents,



W.P.(MD)No.30893 of 2024

particularly the third respondent issued in Na.Ka.Aa.1/113/2024-37 dated 26.04.2024 to take action against the 8th respondent for his encroachment made in the public pathway comprised in Survey No.2591, situated at Ayyampatti Naidu Street, Srivilliputhur, Virudhunagar District and remove the same.

For Petitioner : Mr.P.Bala Murugan

For Respondents 1 to 4 : Mr.P.Thilak Kumar

Government Pleadewr

O R D E R

[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 third respondent to take action against the 8th respondent for his encroachment made in the public pathway comprised in Survey No.2591, situated at Ayyampatti Naidu Street, Srivilliputhur, Virudhunagar District and remove the same.



W.P.(MD)No.30893 of 2024

WEB COPY

3.Since this Court is directing the third respondent 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 21.03.2024, for removal of the alleged encroachment. 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.



W.P.(MD)No.30893 of 2024

WEB COPY

6.In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 21.03.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the eighth respondent, 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.

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.]

06.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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WEB COPY



W.P.(MD)No.30893 of 2024

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W.P.(MD)No.30893 of 2024

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ORDER MADE IN

W.P.(MD)No.30893 of 2024

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