



W.P.(MD).No.31227 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**

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B.Thirupathi

... Petitioner

Vs.

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

2.The Commissioner,
Office of the Commissioner,
Madurai Corporation,
Madurai.

3.The Block Development Officer,
Office of the Block Development Officer,
West Panchayat Union,
Pothumbu Village,
Madurai.

4.The Village President,
West Panchayat Union,
Pothumbu Village,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the respondents to remove the



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encroachment made in Survey Nos.25/5B, 25/5C, 25/5D1A, 25/5D1B, 25/5D1C, 25/5E, 25/8A, 26/1, 26/2, 27/1C2 and 29/1C2 in Pothumbu Village, 2nd Bit, West Panchayat Union, Madurai and based upon the representation of the petitioner dated 11.12.2024.

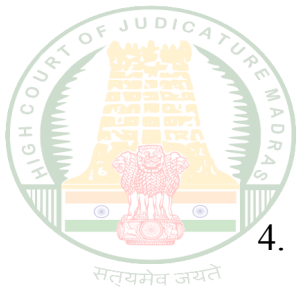
For Petitioner : Mr.S.Ramsundarvijayraj
For R-1 & R-3 : Mr.J.Ashok
Additional Government Pleader
For R-2 : Mr.K.Manisekaran
Standing Counsel

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 to remove the encroachment made in Survey Nos.25/5B, 25/5C, 25/5D1A, 25/5D1B, 25/5D1C, 25/5E, 25/8A, 26/1, 26/2, 27/1C2 and 29/1C2 in Pothumbu Village, 2nd Bit, West Panchayat Union, Madurai and based upon the representation of the petitioner dated 11.12.2024.

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



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4. The petitioner herein had given a representation to the official respondents on 11.12.2024 to remove the encroachments in the subject lands.

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 3 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 fourth 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.

7. With the above direction, the 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

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

To

- 1.The District Collector / Monitoring Committee,
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- 3.The Block Development Officer,
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