



W.P.(MD).No.31171 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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Aasaithambi

... Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
Office of Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.Seenivasagan
- 5.Meenakshi Sundram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 3 to initiate appropriate legal proceedings against the respondents No.4 and 5 and to



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remove the encroachments made in Survey Number 1269/6 situated at Ramanaickenpatti Village, Chettikurichi Revenue Village, Aruppukottai Taluk, Virudhunagar District by considering the petitioner's representations dated 30.10.2024 and 13.12.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R-1 to R-3 : Mr.S.Shaji Bino

Special 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 3 to initiate appropriate legal proceedings against the respondents 4 and 5 and to remove the encroachments made in Survey Number 1269/6 situated at Ramanaickenpatti Village, Chettikurichi Revenue Village, Aruppukottai Taluk, Virudhunagar District by considering the petitioner's representations dated 30.10.2024 and 13.12.2024 within a stipulated time that may be fixed by this Court.



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3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. The petitioner herein had given a representation to the first respondent on 13.12.2024 to remove the encroachments alleged to have been made by the respondents 4 and 5 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 13.12.2024, on its own merits and pass appropriate orders in accordance with



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law, after giving due opportunity to the petitioner and the respondents 4 and 5 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.

(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

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