



W.P.(MD).No.31452 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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Pushpalatha,
The President,
Thippiramalai Village Panchayat,
Killiyoor Panchayat Union,
Kannanvilai, Karungal,
Kanniyakumari - 629 157.

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District,
Office at Nagercoil,
Kanniyakumari.
- 2.The Sub Collector,
Padmanabhapuram,
Kanniyakumari District.
- 3.The Tahsildar,
Killiyoor Taluk,
Kanniyakumari District.
- 4.The Assistant Director,
Office of the District Survey,
Nagercoil,
Kanniyakumari District.



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5. The Sub Registrar,
Karungal Sub Registrar Office,
Karungal,
Kanniyakumari District.

6.S.Jerold Alwindas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 to 4 to conduct enquiry and to remove the encroachment pertaining to the land in S.No.568/1A which is situated at Paloor Village, Vilavancode Taluk, Kanniyakumari District on the basis of petitioner's representations dated 06.03.2023 and 04.10.2024 respectively.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For R-1 to R-5 : 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 respondent Nos.1 to 4 to conduct enquiry and to remove the encroachment pertaining to the land in S.No.568/1A which is situated at Paloor Village, Vilavancode Taluk, Kanniyakumari District on the basis of petitioner's representations dated 06.03.2023 and 04.10.2024 respectively.



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

4. The petitioner herein had given a representation to the first respondent on 04.10.2024 to conduct enquiry and 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 5 herein to consider the petitioner's representation dated 04.10.2024, 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 sixth 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.

(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,
Kanniyakumari District,
Office at Nagercoil,
Kanniyakumari.

2.The Sub Collector,
Padmanabhapuram,
Kanniyakumari District.



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3. The Tahsildar,
Killiyoor Taluk,
Kanniyakumari District.

4. The Assistant Director,
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5. The Sub Registrar,
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A.D.MARIA CLETE,J.

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