



WP(MD). No.1288 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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Pulavanchi.C.P. Bose @ Kuben

... Petitioner

Vs

**1. The District Collector/ Monitoring Committee,
Thanjavur District, Thanjavur..**

**2. The Tahsildhar,
Pattukottai Taluk,
Thanjavur District..**

**3. The Inspector of Police,,
Madukkur Police Station,
Thanjavur District..**

4. Krishnamoorthy

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus thereby directing the respondents 1 and 2 to remove the encroachment made in a public pathway of Uppusalai in Survey No.147/1 of Pulavanchi Village, Madukkur Union, Pattukottai Taluk, Thanjavur District by the 4th respondent.

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For Petitioner : Mr.R.Balamuruganantham
For Respondents : Mr.S.R.A.Ramachandran
Addl. Government Pleader for R1
Mr.P.Kottaichamy for R2
Government Advocate (Crl. side)

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 and 2 to remove the encroachment made in a public pathway of Uppusalai in Survey No.147/1 of Pulavanchi Village, Madukkur Union, Pattukottai Taluk, Thanjavur District by the 4th respondent.

4. In order to remove the encroachment made in the aforesaid survey number, the petitioner has given a representation to the official



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respondents on 17.12.2023. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 and 2 to consider the petitioner's representation dated 17.12.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent as well as all other persons, who may be interested in the subject matter, within a period of three months from the date of



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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.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

20.01.2025

NCC : Yes/No
Index : Yes/No
RR

To

1. The District Collector/ Monitoring Committee,
Thanjavur District, Thanjavur..

2. The Tahsildhar,
Pattukottai Taluk,
Thanjavur District..

3. The Inspector of Police,,
Madukkur Police Station,
Thanjavur District..



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
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