



**W.P.(MD)No.31334 of 2024**

WEB COPY

**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.31334 of 2024**

**and**

**W.M.P.(MD)No.26233 of 2024**

R.Kamalam

: Petitioner

Vs.

1.The District Collector,  
Collectorate,  
Sivaganga District,  
Sivagangai.

2.The Revenue Divisional Officer,  
O/o. The Revenue Divisional Office,  
Sivagangai District,  
Sivagangai.



**W.P.(MD)No.31334 of 2024**

WEB COPY

3.The Tahsildar,  
Kalayar Koil Taluk Office,  
Kalayar Koil Post and Taluk,  
Sivagangai District.

4.The Inspector of Police,  
Kalayar Koil Police Station,  
Kalayar Koil Post & Taluk,  
Sivagangai District.

5.Raman

6.Arumugam : Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in S.No.475/17, Maravamangalam Village, Kalayarkoil Taluk, Sivagangai District and consequently lay Thar Road in the existing mud-road for agriculture usage and to renovate the same periodically.

For Petitioner : Mr.M.Saravanakumar

For Respondents 1 to 3 : Mr.P.Thilak Kumar

Government Pleader



**W.P.(MD)No.31334 of 2024**

WEB COPY

For Respondent No.4 : Mr.P.Kottaismy

Government Advocate [Crl. Side]

**ORDER**

\*\*\*\*\*

[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 respondents 1 to 4 to remove the encroachment made in S.No.475/17, Maravamangalam Village, Kalayarkoil Taluk, Sivagangai District and consequently lay Thar Road in the existing mud-road for agriculture usage and to renovate the same periodically.

3.Since this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.



**W.P.(MD)No.31334 of 2024**

WEB COPY

4.The petitioner herein had given a representation to the respondents on 04.11.2024, 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.

6.In the light of the above observations, there shall be a direction to the respondents 1 to 4 to consider the petitioner's representation dated 04.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 5 & 6, as well as all other persons,



**W.P.(MD)No.31334 of 2024**

WEB COPY

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. Consequently, the connected miscellaneous petition is closed.

**[M.S.R.,J.] & [A.D.M.C.,J.]**

**06.01.2025**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



**W.P.(MD)No.31334 of 2024**

WEB COPY

To

1.The District Collector,  
Collectorate,  
Sivaganga District,  
Sivagangai.

2.The Revenue Divisional Officer,  
O/o. The Revenue Divisional Office,  
Sivagangai District,  
Sivagangai.

3.The Tahsildar,  
Kalayar Koil Taluk Office,  
Kalayar Koil Post and Taluk,  
Sivagangai District.

4.The Inspector of Police,  
Kalayar Koil Police Station,  
Kalayar Koil Post & Taluk,  
Sivagangai District.



WEB COPY



***W.P.(MD)No.31334 of 2024***

**M.S.RAMESH, J.**

**and**

**A.D.MARIA CLETE, J.**

MR

**ORDER MADE IN**

**W.P.(MD)No.31334 of 2024**

**06.01.2025**