



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7440 of 2018

R.Balaguru

... Petitioner

Vs.

1.Tamil Nadu Highway Department,
Represented by its Secretary,
Highways Department,
Fort St.George, Chennai.

2.The Superintendent Engineer,
National Highways Department,
(Highways Circle), Madurai.

3.The Assistant Divisional Engineer,
State Highways Department,
Ramanathapuram.

4.The District Collector,
Collectorate of Ramnad,
Ramanathapuram District.

5.The Commissioner,
Ramanathapuram Municipality,
Municipality Building Campus,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents from interfering with the petitioner's lawful possession and not to disturb the opening of the Aavin Milk Shop near/opposite to the Ramanathapuram Bus Stand.

For Petitioner : Mr.P.Manikandan
For R1 to R4 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.
For R5 : Mr.A.Kannan

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This Writ Petition has been filed forbearing the respondents from interfering with the petitioner's lawful



possession and not to disturb the opening of the Aavin Milk Shop near/opposite to the Ramanathapuram Bus Stand.

2.It is the grievance of the petitioner that his representation dated 23.03.2018, seeking permission to open Aavin Milk Shop near/opposite to the Ramanathapuram Bus Stand has not been considered by the respondents 1 to 3 till date and therefore, has filed the present writ petition.

3.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4.In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 23.03.2018, on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Tamil Nadu Highway Department,
Highways Department,
Fort St.George, Chennai.
- 2.The Superintendent Engineer,
National Highways Department,
(Highways Circle), Madurai.
- 3.The Assistant Divisional Engineer,
State Highways Department,
Ramanathapuram.
- 4.The District Collector,
Collectorate of Ramnad,
Ramanathapuram District.



5.The Commissioner,
Ramanathapuram Municipality,
Municipality Building Campus,
Ramanathapuram.

+1CC TO Mr.P.Manikandan, Advocate, Sr No.62694
+1CC TO Mr.A.Kannan, Advocate, Sr No.62866
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.62713

W.P. (MD) No.7440 of 2018
20.04.2018

Myr

MS/CM-PN/SAR.1/14.05.2018/3P.9C