



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No. 9654 of 2018

WEB COPY

Sankara Narayanan

... Petitioner

vs.

The Executive Engineer,
Vaigai Basin Division,
Public Works Department (WRO)
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to permit the petitioner to use the culvert between Thenpothuvakkudi Village and State Highways No.29 (Paramakudi-Mudukulathur Road) based on my representation dated 09.03.2018 and in light of the permission granted by the District Collector in his proceedings No. Na.Ka.1137/G & M.1/2016 dated 25.09.2017.

For Petitioner : Mr. RM.Arun Swaminathan
For Respondents : Mr. V.Anand
Government Advocate

O R D E R

Mr.V.Anand learned Government Advocate, takes notice for the respondent.

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

3. It is the grievance of the petitioner that his representation dated 09.03.2018 seeking to use the culvert between Thenpothuvakkudi Village and State Highways No.29 (Paramakudi- Mudukulathur Road) has not been considered by the respondent till date and therefore, he has filed the present writ petition.

4. 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 the other. Non-consideration of the same would



amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 09.03.2018 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. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents and any other persons who may be interested in the subject matter.

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

Sd/
Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To:

The Executive Engineer,
Vaigai Basin Division,
Public Works Department (WRO)
Paramakudi,
Ramanathapuram District.

+1cc to Mr.RM.ARUN SWAMINATHAN, Advocate, SR.No. 63805

W.P. (MD) No. 9654 of 2018
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