



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.10198 of 2018

and

W.M.P. (MD) No.9257 of 2018

E.Rajendran

... Petitioner

vs.

The Commissioner
Madurai Corporation
Zonal Office No.4
Office of Madurai Corporation
Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondent from laying the road in Town S.No.21 and 49, Old S.No.20, situated at Madakulam Village, Irulappa Samy Koil Street, Palanganatham, Madurai, belongs to the petitioner.

For Petitioner : Mr.S.Vellaichamy

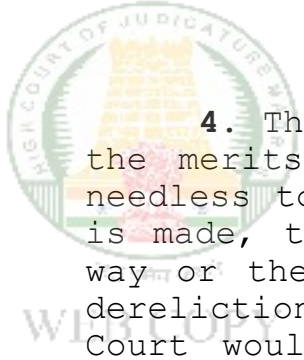
For Respondent : Mr.R.Prabu Ramachandran
Standing Counsel

O R D E R

Mr.R.Prabu Ramachandran, learned Standing Counsel, 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. By relying upon the Town Survey Land Register, the learned counsel for the petitioner submitted that the property comprised in Old Survey No.20, New Town Survey Nos.21 and 49 of Madakulam Village, Irulappasamy Koil Street, Palanganatham, Madurai, belongs to the petitioner and that the respondent is not justified in attempting to lay a road in his property. In this connection, the petitioner has also given a representation, dated 08.08.2017, to the respondent which is said to be pending.



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 respondent is 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 him 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 dispose the petitioner's representation dated 08.08.2017 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. In view of the *prima facie* records produced before this Court, the respondent shall not lay any road in the petitioner's property till the disposal of his representation.

6. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.VELLAICHAMY, Advocate in SR.No.64647

+1cc to Mr.R.PRABHU RAMACHANDRAN, Advocate in SR.No.64403

krk

SB-AK/JC/SAR4/24/05/2018/2P/3C

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