



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.15553 of 2018

The Chamber of Commerce & Industry Kovilpatti,
(Regd.No.5/1974), Rep. By its president,
A.P.K.Palaniselvam, No.6, Anna Street,
Ashok Nagar, Kovilpatti,
Tuticorin District-628 502.

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Revenue Divisional Officer,
Kovilpatti Division,
Kovilpatti, Tuticorin District.
3. The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take necessary action against the owner of the Kalyana Mandapam, who failed to obtain license under the public building licensing Act, 1965 and permit to conduct unauthorized sale Textile and Jewellery items in the Kalayana Mandapam.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

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 representations, dated 20.09.2016 and 06.07.2018 to take action against the owner of the Kalyana Mandapam for running the Kalayana Mandapam without obtaining necessary license has not been considered

by the respondents till date and therefore, 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 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.

5.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 representations dated 20.09.2016 and 06.07.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be made, after giving notice to the owner of the Kalyana Mandapam and any other persons, who may be interested in the subject property.

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

Sd/-

Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Revenue Divisional Officer,
Kovilpatti Division,
Kovilpatti,
Tuticorin District.
3. The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

+ 1 CC TO Mr.C.MAYIL VAHANA RAJENDRAN, ADVOCATE IN SR No. 73609
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73869

TA

TE/SKN-RSK/SAR-4 : 30/07/2018 : 2P/6C

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