



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.15727 of 2018

and

W.M.P (MD) No.14086 of 2018

T.Suresh Kumar

... Petitioner

vs.

1. The Commissioner,
Kulithurai Municipality,
Kulithurai, Kanyakumari District.

2. Bhramma Sakthi,
Clerk, Engineering Section,
Municipal Office,
Kulithurai Municipality,
Kulithurai, Kanyakumari District.

3. Jeans

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the License given to the third respondent for Sound and Light at the 93rd Vavubali Exhibition in Kulithurai as illegal and consequently to direct the first respondent to provide the license for Sound and Light at 93rd Vavubali Exhibition in Kulithurai Municipality by considering in the tender form for Rs.Nil submitted by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For Respondents : No appearance

O R D E R

Though, the petitioner has sought for the relief of Writ of Declaration, to declare the License granted to the third respondent as illegal, the learned counsel appearing for the petitioner submitted that he would satisfy, if the relief is moulded and the representation dated 14.07.2018 submitted to the first respondent is considered, within the stipulated time.

2.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.

3. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 14.07.2018 on its own merits and take further action in accordance with law, within a period of two 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 and any other persons who may be interested in the subject matter.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

The Commissioner,
Kulithurai Municipality,
Kulithurai, Kanyakumari District.

+1cc to Mr.S.Louis, Advocate Sr.No.74079

CP

VB/KAK/SAR2/02.08.2018/2P/3C

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