



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.02.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

WEB COPY

WP. (MD)No.2788 of 2020

P.Palraja

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Thoothukudi.

4.The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam,
Thoothukudi District.

5.S.Jayaram Gandhi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 14.09.2019 and direct the respondents 1 to 4 to remove the statue installed by the 5th respondent unlawfully in a public land upon which a memorial for Musical Legend, Late Sri Nallappa Swamigal of Vilathikulam had been erected by the Government of Tamil Nadu in Survey No.40/1 in Vilathikulam Village, Vilathikulam Taluk, Tuticorin District, in the light of the petitioner's representation dated 14.09.2019.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.S.Chandrasekar

R1 to R4

Additional Public Prosecutor

O R D E R

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 14.09.2019 and direct the respondents 1 to 4 to remove the statue installed by the 5th



respondent unlawfully in a public land upon which a memorial for Musical Legend, Late Sri Nallappa Swamigal of Vilathikulam had been erected by the Government of Tamil Nadu in Survey No.40/1 in Vilathikulam Village, Vilathikulam Taluk, Tuticorin District, in the light of the petitioner's representation dated 14.09.2019.

WEB COPY

2. It is the grievance of the petitioner is that he has submitted a representation, dated 14.09.2019 to the first respondent to take action against the fifth respondent, which has not been considered by the first respondent till date and therefore, he 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 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.

4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the first respondent to consider the petitioner's representation dated 14.09.2019 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 done after giving due opportunity to the petitioner and to the rival parties if any.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss
To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Thoothukudi.

4.The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam,
Thoothukudi District.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-6158[F] dated 13/02/2020)

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VB(21.02.2020) 3P 6C