

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.13535 OF 2022
AND
W.M.P.NO.12734 OF 2022

V.Sathasivam

...Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Cuddalore,
Cuddalore District.
- 2.The Revenue Department Office,
Manjukuppam, Cuddalore.
- 3.The District Fire Service Officer,
Fire Service Office,
Cuddalore.
- 4.The Superintendent of Police,
Cuddalore,
Cuddalore District.
- 5.The Tahsildar,
Tahsildar Office,
Banruti, Banruti Taluk,
Cuddalore District.
- 6.The Shell India Markets Private Limited,
Rmz Millenia Business Park II,
Tyche Tower, 4A Campus,
143, Dr.MGR Main Road,
Kodandarama Nagar, Perungudi,
Chennai, Tamil Nadu - 600 096.
- 7.Mr.Ibrahim Kutti
(6th Respondent amended vide order
dated 01.06.2022 in this writ petition)

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 04.04.2022 respectively (to conduct enquiry and not to construct the Petrol Pump in and around the college and to follow the guidelines/GO's/Procedures issued by the Government of India).

For Petitioners : Mr.D.Padmanabhan
For R1 to R5 : Mr.E.Veda Bagath Singh,
Special Government Pleader
For R6 & R7 : Mr.G.Joshua
for M/s.King & Partrdige

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

The petitioner herein had given a representation to the respondents on 04.04.2022 requesting to remove the petrol bunk which is under construction in Kumbakonam-Chennai National Highway. Since the said representation was not considered, the present writ petition has been filed.

2. It is brought to the notice of this Court that the name of the sixth respondent company is wrongly mentioned and the correct name is 'The Shell India Markets Private Limited'. The said statement is recorded and accordingly, the name of the sixth respondent is modified as "The Shell India Markets Private Limited". Registry is directed to carry out the necessary amendment in the cause title.

3. It is needless to point out that whenever a representation is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 04.04.2022 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as respondents 6 and 7, within a period of three months from the date of receipt of a

copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

- 1.The District Collector,
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Cuddalore,
Cuddalore District.
- 2.The Revenue Department Office,
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- 3.The District Fire Service Officer,
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- 4.The Superintendent of Police,
Cuddalore, Cuddalore District.
- 5.The Tahsildar,
Tahsildar Office,
Banruti, Banruti Taluk,
Cuddalore District.

+1cc to Mr.D.Padmanabhan, Advocate Sr.No.32066

+1cc to M/s.King & Patridge, Advocate Sr.No.31953

W.P.No.13535 of 2022
and
W.M.P.No.12734 of 2022

GPL(CO)
RVM(13/07/2022)