



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2022

Coram

THE HONOURABLE MR. JUSTICE M.S.RAMESH
and
THE HONOURABLE MRS. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.12704 of 2022
and
W.M.P.No.12160 of 2022

P. Shanmugam,
S/o.Palyam.

.. Petitioner

Vs.

1. The Secretary,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Commissioner/Block Development Officer,
Panchayat Union - Minjur,
Thiruvallur District.
4. District Revenue Officer,
Office of the Thiruvallur Collectorate,
Thiruvallur District.
5. Revenue Divisional Officer,
Ponneri,
Thiruvallur District.
6. Mr.C.Ramamoorthy,
S/o.Chithiraivelu.
7. Mr.Saravanan.
8. Indian Oil Corporation Limited,
Rep. by its Divisional Manager,
No.500, Anna Salai, Teynampet,
Chennai 600 018.

..Respondents



Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the official respondents 1 to 5 to consider the petitioner's representation dated 05.05.2022 and directing the respondents 1 to 5 to remove the encroachments made in open space earmarked as Public Park in the approved layout namely Chengam Nagar as per the Planning Permit No.P.P.D.No.144/89 dated 3.7.1989 approved by the M.M.D.A. comprised in S.No.300/1, Athipattu Village, Ponneri Taluk, Thiruvallur Taluk, measuring 130 feet in the East to West in the Northern Side, 130 feet in the East to West in the Southern side, 90 feet in the North to South in the Eastern Side and 98 feet in the North to South in the Western side bounded on the North by 100 feet Road, South by 30 feet Road, East by Plot No.3 & 2 and West by Plot No.1 has been earmarked for Public Park as per the and to retain the above said land as Public Park as per the site plan of the Chengam Nagar approved by M.M.D.A. in Planning Permit No.P.P.D.No.144/89 dated 3.7.1989 by the 6th, 7th and 8th respondents or any other persons and consequently retain the above said Public Park as per the site plan approved by the M.M.D.A. in P.P.D.No.144/89 dated 3.7.1989.

For Petitioner : Mr.T.R.Udaya Kumar

For Respondents : Mr.J.Raveendran, AAG
assisted by Mr.A.Selvendran
Special Government Pleader [R1 to R5]
No appearance [R6]
Mr.R.Prasadh [R7]
Mr.Mohammed Fayaz Ali [R8]

ORDER

[Made by M.S.RAMESH, J]

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 05.05.2022 seeking removal of encroachment in Public Park. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature 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 observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 05.05.2022 on its own merits and pass appropriate orders in accordance with law, 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm/nsa

To

1. The Secretary,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Commissioner/Block Development Officer,
Panchayat Union - Minjur,
Thiruvallur District.
4. The District Revenue Officer,
Office of the Thiruvallur Collectorate,
Thiruvallur District.
5. The Revenue Divisional Officer,
Ponneri,
Thiruvallur District.



6. The Divisional Manager,
Indian Oil Corporation Limited,
No.500, Anna Salai, Teynampet,
Chennai 600 018.

WEB COPY

+1cc to Mr.T.R.Udaya Kumar, Advocate SR. No. 31987
+1cc to M/s.R.Prabhavathy, Advocate SR. No. 31970
+1cc to Government Pleader SR. No. 32071

Writ Petition No.12704 of 2022

AJS (CO)
PR (16/06/2022)