



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13802 of 2022

Ahle Sunnath Jamath,
rep. by its Mutawalli S.P.Dowlath Basha,
Muslim Street,
Papparapatti Post,
Dharmapuri Dt.

... Petitioner

Vs

1. The Assistant Director,
Directorate of Town and Country
Planning,
Dharmapuri Dt.

2. The Executive Officer,
Selection Grade Town Panchayat,
Papparapatti,
Dharmapuri Dt.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to grant planning permission, to construct the building in S.No.526/3, in Papparapatti Town, based on the petition dated 13.11.2021.

For Petitioner : Mr.S.C.Vishwanth

For Respondents: Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

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 13.11.2021 seeking to grant planning permission to construct the building in S.No.526/3, situated at Papparapatti Town, Dharmapuri District. 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 second respondent herein to consider the petitioner's representation dated 13.11.2021 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

rpp/kst

To

1. The Assistant Director,
Directorate of Town and Country
Planning, Dharmapuri Dt.
2. The Executive Officer,
Selection Grade Town Panchayat,
Papparapatti, Dharmapuri Dt.

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MT (CO)
CT/17/06/2022