



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.S. RAMESH
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.13863 of 2022

S.Ambika

...Petitioner

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority
Egmore
Chennai - 600 008.
2. The Block Development Officer/The Commissioner
Kundrathur Panchayath Union Office
Puspagiri Road, Padappai
Kanchipuram District - 601 301.
3. The Secretary
Ayyapanthangal Panchayat
Ayyappanthangal
Chennai - 600 056.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned locking and sealing notice issued by the second respondent vide his letter No.3027/2021/A3 dated 09.05.2022 and quash the same and consequently direct him to grant building plan approval for the petitioner's Plot bearing No.14 situated at Survey No.71, Kesavarthini Nagar, Chinna Koluthuvanchery Village, Sriperumbathur Taluk, Kanchipuram District.

For Petitioner : M/s.K.Amudhavalli

For Respondents: Mr.R.Sivakumar
Standing Counsel
for respondent 1

Mr.P.Ganesan
Government Advocate
for respondent 2



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ORDER

(Order of the Court was 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 09.05.2022 seeking for the records pertaining to the impugned locking and sealing notice issued by the second respondent vide his letter No.3027/2021/A3 dated 09.05.2022 and quash the same and consequently direct him to grant building plan approval for the petitioner's Plot bearing No.14 situated at Survey No.71, Kesavarthini Nagar, Chinna Koluthuvanchery Village, Sriperumbathur Taluk, Kanchipuram 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 09.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks 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. Consequently, W.M.P.No.13133 of 2022 is also closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kpl/drm



To

1. The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai - 600 008.

2. The Block Development Officer/The Commissioner
Kundrathur Panchayath Union Office
Puspagiri Road, Padappai
Kanchipuram District - 601 301.

3. The Secretary
Ayyapanthangal Panchayat
Ayyappanthangal, Chennai - 600 056.

+1cc to M/s.K.Amudhavalli, Advocate, S.R.No.32023

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.32167

+1cc to the Government Pleader, S.R.No.32246

W.P.No.13863 of 2022

GSM(CO)
RGA(29/06/2022)