



W.P.No.10401 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10401 of 2023

Prakasam

...Petitioner

Vs

- 1.The Director of Town and
Country Planning,
Directorate of Town and
Country Planning,
C & E Market Road, Koyambedu,
Chennai - 600 107.
- 2.The District Collector,
Mayiladuthurai District.
- 3.The Assistant Director of Town
& Country Planning,
District Town and Country Planning Office,
No.31, Kankodutha Pillaiyar Kovil Street,
No.1, Kamarajar Salai,
Mayiladuthurai District.
- 4.The Tahsildar,
Sirkazhi Taluk,
Mayiladuthurai District.
- 5.Paandurangan



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6.Ilangovan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider and dispose the petitioner's representation dated 22.02.2023 in accordance with law and thereby direct them to prevent from the illegal conversion of agriculture lands situated in Survey No.183/1A, 184/3, 184/4 and 186/1 at Nemmeli Village, Sirkazhi Taluk, Mayiladuthurai District into housing plots through unapproved layouts by the 5th and 6th respondents.

For Petitioner : Mr.M.Vijaya Ragavan

For R1 to R4 : Mr.P.Sathish,
Additional Government Pleader

ORDER

Heard Mr.M.Vijaya Ragavan, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the second respondent to consider the petitioner's representation, after giving due opportunity to the respondents 5 and 6, notice to the respondents 5 and 6 is dispensed with.



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3. The petitioner herein had given a representation to the second and fourth respondents on 22.02.2023 to take action against the respondents 5 and 6 by preventing them from converting the agricultural lands into plots. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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 him 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 22.02.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and



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the respondents 5 and 6, as well as all other persons who may be interested in the subject property, within a period of eight 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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