



W.P.(MD).No.12653 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12653 of 2023

S.Abdul Kadar

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
Koyambedu, Chennai – 107.

2.The Assistant Director,
Town and Country Planning,
Tenkasi.

3.The Commissioner,
Kadayanallur Municipality,
Tenksi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to grant the building plan approval to the petitioner's school namely Brilliant Matriculation School, situated at No.82, West Malampattai Street, Krishnapuram, Kadayanallur, Tenkasi District, within a stipulated time fixed by this Court.



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For Petitioner : Mr.C.Iyyapparaj
For R-1 & 2 : Mr.A.Kannan,
Additional Government Pleader

ORDER

Mr.A.Kannan, learned Additional Government Pleader takes notice for respondents 1 and 2.

2. In view of the nature of the order going to be passed, notice to the third respondent is dispensed with.

3. The petitioner herein had given a representation to the respondents 1 and 2 on 16.05.2023 seeking to grant the building plan approval to the petitioner's school. 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 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



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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 respondents 1 and 2 herein to consider the petitioner's representation, dated 16.05.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

6. With the above direction, the Writ Petition stands disposed of.
There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No

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To
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- 1.The Director,
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M.S.RAMESH, J.

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