



WP(MD). No.3328 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11/12/2024

CORAM

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

WP(MD). No.3328 of 2020

Rukkumani,

... Petitioner

Vs

1. The Corporation Commissioner,
Madurai Corporation, Madurai-625 001.

2. The Assistant Commissioner,
Zone-1, Madurai Corporation, T.B.Road,
Mahaboopalayam, Madurai-625 010.

3. Nagaraj,

4. Mahalingam,

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus or any other writ or order in the nature of writ directing the respondents No.1 and 2 to remove the encroachments including the Car Shed made by the respondents No.3 and 4 in a public street namely S.Ramasamy Street (also known as Tower Line 2nd Cross St) situated at Town Survey Number 47, Block 12, Zone No.1, Madurai City, Madurai District by considering the petitioners



WP(MD), No.3328 of 2020

representation dated 18/12/2019 within a stipulated time that may be fixed by this Court.

For Petitioner : M/s.K.Muthiah Pasumpon,

For Respondent : M/s. S.Devasena, Standing Counsel
for R1

M/s. J.Ashok,
Additional Government Pleader for R2

M/s. Porkodi Karnan
M/s. Porex Legal Solution for R3 & R4

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

Heard both sides and perused the materials available on record.

2. The petitioner herein had given a representation to the official respondents on 18.12.2019 to remove the encroachment in the aforesaid survey number. Since the said representation was not considered, the present Writ Petition has been filed.



WP(MD). No.3328 of 2020

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 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 the Constitution of the India and direct them to consider the same within a stipulated time.

4. Since there is a considerable lapse of time after the earlier representation was made, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of



WP(MD), No.3328 of 2020

its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.

5. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

[M.S.R.,J] [A.D.M.C.,J]
11.12.2024

NCC : Yes/No
Index : Yes/No
RR



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WP(MD). No.3328 of 2020

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

WP(MD).No.3328 of 2020

11.12.2024