



WP.(MD).No.3577 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3577 of 2024

N.Rajappan

... Petitioner

Vs.

1.The District Collector ,
Trichirappalli,
Cantonment Trichirappalli.

2.The Tahsildhar,
Mannachanallur Taluk,
Trichirappalli District.

3.The Revenue Divisional Officer,
Lalgudi, Trichirappalli District.

4.The Block Development Officer,
Mannachanallur Taluk,
Trichirappalli District.

5.The Executive Engineer,
PWD Department,
Trichirappalli District.

6.Vijayakumar

7.Seethalakshmi Loganathan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate actions as required under Law for demolition of the dilapidated wall belongings to the 6th respondent, which is situate in old survey no.79/5C, corresponding new survey No.271/7 of Pandiypuram Melpaththu village, Mannachanallur Taluk, Trichirappalli District.

For Petitioner	: Mr.K.S.Kathiravan
For Respondents 1 to 3, 5	: Mr.A.Kannan Additional Government Pleader
For 4 th Respondent	: Mr.N.Muthu Vijayan Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of the case, notice to the respondents 6 and 7 is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 1 to 5 to take appropriate actions as required under Law for demolition of the dilapidated wall belongings to the 6th respondent, which is situate in old survey no.79/5C, corresponding new survey No.271/7 of Pandiypuram Melpaththu village, Mannachanallur Taluk, Trichirappalli District.



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WEB COPY 3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner's father purchased a house in Survey No.79/5 of Pandiyapuram village vide registered sale deed dated 05.04.1969. After his demise, the petitioner and his brother became the absolute owners of the said property. The property situated to the immediate south of the petitioner's property belonging to the respondents 6 and 7 is an old paddy granary situated in old Survey No.79/5C, corresponding to new Survey No.271/7. The said granary is bounded by a tall wall on the southern side, which would collapse at any point of time since the same is more than 150 years old. Seeing the dilapidated condition of the said building, the petitioner approached the respondents 6 and 7 to remove or demolish the said wall. However, they refused to comply with the petitioner's request. Hence, he made several representations to the respondents 1 to 5 for taking appropriate action to demolish the dilapidated southern wall belonging to the respondents 6 and 7 and the last of which, was on 19.03.2023. However, the same was not acted upon. Hence, this Writ Petition came to be filed.



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4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and 5, learned Special Government Pleader appearing for the fourth respondent and carefully perused the entire materials available on record.

5. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, without going into merits of the case, this Court hereby direct the respondents 1 to 5 to take appropriate action in accordance with law considering the petitioner's representation dated 19.03.2023, after giving notice to the private parties I.e., the respondents 6 and 7 within a period of 12 weeks



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from the date of receipt of copy of this order.

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7.In view of the above, this Writ Petition stands disposed of.

There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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L.VICTORIA GOWRI, J.

Mrn

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