



WP(MD). No.11242 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

**THE HON'BLE Ms.JUSTICE R.N.MANJULA
and
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**WP(MD) No.11242 of 2024
and WMP(MD) No.10003 of 2024**

Harveynagar Residents Welfare Association,
Rep. By its President, Dr.S.Rajamohan

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai.
2. The Assistant Commissioner,
Excise Department, Madurai.
3. The District TASMAL Manager,
TASMAL Limited, Madurai South,
Madurai 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 respondents to relocate the TASMAL Shop No. 5572 situated at No. 14, AA Road, Arasaradi, Madurai based on the representation of the petitioners association dated 07.05.2024 within a time frame fixed by this Court.



WEB COPY



WP(MD). No.11242 of 2024

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.D.Gandhiraj (R1,R2)
Special Government Pleader
Mr.H.Arumugam for R3

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Mr.B.Prasanna Vinoth, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader for R1 and R2 and Mr.H.Arumugam, learned Additional Public Prosecutor, for the respondent No.3.

2.This writ petition has been filed for a direction to the respondents to relocate the TASMACH Shop No. 5572 situated at No. 14, AA Road, Arasaradi, Madurai based on the representation of the petitioners association dated 07.05.2024 within a time frame fixed by this Court.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



WP(MD). No.11242 of 2024

4. The petitioner herein had given a representation to the 1st respondent on 07.05.2024 to relocate the TASMACH Shop No. 5572 situated at No. 14, AA Road, Arasaradi, Madurai. Since the said representation was not considered by the first respondent so far, the present writ petition has been filed.

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 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.



WP(MD). No.11242 of 2024

6. In the light of the above observations, there shall be a direction to the first and second respondents herein to consider the petitioner's representation dated 07.05.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of one week from the date of receipt of a copy of this order. Such order shall be passed after conducting a spot inspection. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

RR



WP(MD). No.11242 of 2024

TO

WEB COPY

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Commissioner,
Excise Department, Madurai.
3. The District TASMAL Manager,
TASMAL Limited, Madurai South,
Madurai District.



WEB COPY



WP(MD). No.11242 of 2024

R.N.MANJULA, J.

AND

C.KUMARAPPAN, J.

RR

ORDER

IN

WP(MD) No.11242 of 2024
and WMP(MD) No.10003 of 2024

Date : 22/05/2024