



WP(MD). No.11258 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11258 of 2024

and

WMP(MD). No.10012 of 2024

Ramadass

... Petitioner

Vs

- 1.The District Collector / Monitoring Committee,
Office of the District Collector,
Madurai District.**
- 2.The Block Development Officer
Melur Union,
Melur,
Madurai District.**
- 3.The Village Panchayat
Vellalur Village Panchayat,
Vellalur,
Melur Taluk,
Madurai District.**



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4.Ramakrishnan

... Respondents

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PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents No.1 to 3 to take appropriate action on petitioner's representation dated 14.05.2024 with regard to removal of unauthorized construction of house over the property comprised in Survey No.192/8 situated at Edaiyar Kovilpatti Village, Vellalur Post, Melur Taluk, Madurai District.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

**For Respondents : Mr.A.Kannan – for R1 to R3
Additional Government Pleader**

ORDER

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

Heard Mr.B.Santhanam Rajesh Kumar, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader for the respondents.

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2. This writ petition has been filed for a direction to the respondents No.1 to 3 to take appropriate action on petitioner's representation, dated 14.05.2024 with regard to removal of unauthorized construction of house over the property comprised in Survey No.192/8 situated at Edaiyar Kovilpatti Village, Vellalur Post, Melur Taluk, Madurai District.

3. In view of the order now passed by this Court, notice to the fourth respondent is dispensed with.

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

5. The petitioner herein had given a representation to the respondents on 14.05.2024 seeking to remove the unauthorized construction of house over the property comprised in Survey No. 192/8 situated at Edaiyar Kovilpatti Village, Vellalur Post, Melur Taluk, Madurai District. Since the said representation was not



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considered by the respondents so far, the present writ petition has been filed.

6. 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.



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7. In the light of the above observations, this writ petition is **disposed of** with a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 22.04.2024, on merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. 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 1 to 3 to consider the same on its own merits. No costs. Consequently connected Miscellaneous Petition is closed.

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

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

RM



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AND

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