



WP(MD). No.18445 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/12/2024

CORAM

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

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M.Jeganathan,

... Petitioner

Vs

1. The Secretary,
Municipal Administration and Water
Supply Department., Fort St. George,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
6th Floor, Ezhilagam,
Annex Building, Chennai - 600 009.
3. The Regional Director of Municipal Administration,
Melakkal Road,
Cochadai, Madurai.
4. The District Collector,,
Collectorate, Theni District, Theni..
5. The Superintendent of Police,,
Office of the Superintendent of Police,
Theni District.



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6. The Commissioner,
Cumbum Municipality, Municipal Office,
Cumbum, Theni District..

7. The Inspector of Police,,
Cumbum North Police Station, Cumbum,
Theni District..

8. Nizar Ahamed,,
S/o Peer Mohammed,

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to close the printing press running the 8th respondent as per the order passed by the 6th respondent in his proceedings No.Na.Ka.No. 3097/2017/H1 dated 04.06.2018 forthwith.

For Petitioner : M/s. D.Rameshkumar,

For Respondent : M/s. P.Thilak Kumar, GP for R1 to R3

M/s. J.Ashok, AGP for R2

M/s. P.Kottaisamy, GA (Crl.Side) R5 to R7

ORDER

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

Heard both sides and perused the materials available on record.



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2. The petitioner herein had given a representation on 05.05.2017 and had also submitted his written objections to the official respondents on 12.01.2018 to close the printing press run by the 8th respondent as per the order passed by the 6th respondent in his proceedings No.Na.Ka.No. 3097/2017/H1 dated 04.06.2018 forthwith. Since the same was not considered, the present Writ Petition has been filed.

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



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grievances along with the proceedings of the official respondents, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, if not already considered, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent, as well as to any other persons, 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 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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