



W.P.(MD)No.26595 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.26595 of 2024

C.Sivasubramanian

: Petitioner

Vs.

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Deputy Registrar,
Co-operative Housing Societies,
Tirunelveli – 2.

3.S.Ganapathy

4.R.David

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to remove the encroachment made by respondents 3 &



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4 at Plot Nos.28A and 29A on the southern side of Plot Nos.28 and 29.

For Petitioner : Mr.K.Jeyamohan
For Respondent No.1 : Mr.S.P.Maharajan
Standing Counsel
For Respondent No.2 : Mr.S.R.A.Ramachandaran
Additional Government Pleader

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the first respondent to remove the encroachment made by respondents 3 & 4 at Plot Nos.28A and 29A on the southern side of Plot Nos.28 and 29.

3.Since this Court is directing the respondents 1 & 2 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.



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4.The petitioner herein had given a representation to the respondents 1 to 4 on 27.04.2024 to remove the encroachments alleged to have been made by the respondents 3 & 4. Since the said representation was not considered, 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 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.

6.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 27.04.2024, on its own merits and pass appropriate orders in accordance with law, after giving due



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opportunity to the petitioner herein and the respondents 3 & 4 herein, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. 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 respondents to consider the same on its own merits.

7. 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.]
07.11.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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To

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Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Deputy Registrar,
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Tirunelveli – 2.



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

MR

ORDER MADE IN
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07.11.2024