



W.P.(MD)No.24020 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24020 of 2024

R.Narayanan

: Petitioner

Vs.

1.The District Collector,

Madurai District,

Madurai – 625 020.

2.The Commissioner,

Madurai Corporation,

Annamaligai, Madurai – 625 002.

3.The Assistant Commissioner,

Madurai Corporation Zone 5,

Thirupparankundram, Madurai – 625 005.

4.R.Rengasamy

5.R.Muthusamy

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first to third respondents to take appropriate steps for removal of the unauthorized and illegal construction of the fourth and fifth respondents at Door No.293, Harveypatti, Madurai Corporation Ward No.96, Madurai and by considering the petitioner's representations dated 10.09.2024 and 16.09.2024.

For Petitioner : Mr.A.Jeyaram

For Respondent No.1 : Mr.S.Shaji Bino

Special Government Pleader

For Respondents 2 & 3 : Mr.K.K.Kannan

O R D E R

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

This writ petition has been filed for a Mandamus to direct the first to third respondents to take appropriate steps for removal of the unauthorized and illegal construction of the fourth and fifth respondents at Door No.293, Harveypatti, Madurai Corporation Ward No.96, Madurai and by considering the petitioner's representations dated 10.09.2024 and 16.09.2024.



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

3.The petitioner herein had given representations to the respondents 1 to 3 on 10.09.2024 and 16.09.2024, to remove the encroachments alleged to have been made by the respondents 4 & 5. Since the said representations were not considered, the present writ petition has been filed.

4.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.



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5. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representations dated 10.09.2024 and 16.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 4 & 5 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.

6. 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.]

11.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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