



WP(MD). No.24423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.11.2024

CORAM

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

**WP(MD). No.24423 of 2024
and WMP(MD) No.20747 of 2024**

The Village President
Agathar Iruppu Village
Abiramam Post
Kamuthi Taluk
Ramanathapuram District
rep. by N.Kalaiselvan

... Petitioner

Vs

1. The Secretary
Municipal Administration and Water Supply Department
Fort ST. George, Chennai.
2. The Commissioner
Municipal Administration, Chennai.
3. The District Collector
Ramanathapuram
4. The Tahsildar
Kamuthi Talu, Ramanathapuram District
5. The Block Development Officer,
Abiramam Town Panchayat
Kamuthi Taluk, Ramanathapuram District



WP(MD). No.24423 of 2024

6.The Executive Officer,
Abiramam Town Panchayat
Kamuthi Taluk
Ramanathapuram 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 stop further course of action in the construction of drainage/sewage tank along with waste water treatment plant at Sy.No. 221 of Agathar Iruppu Village, Abiramam Town Panchayat, Kamuthi Taluk, Ramanathapuram District vide the petitioner's representation dated 20.12.2023 along with their objection and the subsequent reminder dated 27.09.2024.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(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 respondents to stop further course of action in the construction of



WP(MD). No.24423 of 2024

drainage/sewage tank along with waste water treatment plant at Sy.No. 221 of Agathar Iruppu Village, Abiramam Town Panchayat, Kamuthi Taluk, Ramanathapuram District by considering the petitioner's representation dated 20.12.2023 along with their objection and the subsequent reminder dated 27.09.2024.

3. The petitioner herein had given a representation to the respondents on 20.12.2023 followed by a reminder dated 27.09.2024 to to stop construction of drainage/sewage tank along with waste water treatment plant in the aforesaid survey number. Since the said representation was 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



WP(MD). No.24423 of 2024

invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the 6th respondent herein to consider the petitioner's representation dated 20.12.2023 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, if any, with regard to the subject property, 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 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, the Writ Petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

07.11.2024

NCC : Yes/No

Index : Yes/No

RR



WP(MD). No.24423 of 2024

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WEB COPY



WP(MD). No.24423 of 2024

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ORDER
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