



W.P(MD)No.24384 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM :

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

W.P(MD)No.24384 of 2024

A.Balamurugan

... Petitioner

vs.

1. The District Collector / Monitoring Committee,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Assistant Commissioner,
Zone-II North,
Madurai Corporation,
Madurai.

4. The Commissioner of Police,
Madurai City,
Madurai.

5. S.Saravanan

6. P.Rajathi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the



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encroachment made by the respondent Nos.5 and 6 in the Platform of K.K.Nagar Arch Bus Stop at K.K. Nagar West 80 Feet Road, based on the representation of the petitioner dated 11.09.2024.

For Petitioner : Mr.AN.Ramanathan
For R1 : Mr.P.Thilakkumar, Government Pleader
For R2 & R3 : Mr.Vinayak
For R4 : Mr.P.Kottai Chamy
Government Advocate (Criminal Side)

ORDER

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

This writ petition has been filed for a Mandamus, directing the respondent Nos.1 to 4 to remove the encroachment made by the respondent Nos.5 and 6 in the Platform of K.K.Nagar Arch Bus Stop at K.K.Nagar West, 80 Feet Road, based on the representation of the petitioner dated 11.09.2024.

2. The learned counsel appearing for the petitioner would submit that the bus stop near K.K.Nagar Arch, Madurai, is a huge traffic congested area. The 2nd respondent Corporation permitted the private respondents to have platform shop to an extent of 50 square feet before 20 years and though the said period is expired and no renewal being granted by the Corporation, the private respondents without paying any lease amount, are still squatting over the said place causing hindrance to the general public to use the platform. In this



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regard, the petitioner sent a representation dated 11.09.2024 to the official respondents to remove the encroachment made by the private respondents and finding no heed to it was paid, he has filed this writ petition.

3. Heard both sides.

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.

5. In the light of the above observations, there shall be a direction to the official respondents herein, to consider the petitioner's representation dated 11.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondents as well as all other persons, who may be interested in the subject property, within a



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period of three 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, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
20.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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