



W.P(MD)No.24810 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM :

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

**W.P(MD)No.24810 of 2024
and
WMP(MD)No.21140 of 2024**

B.Kannan

... Petitioner

vs.

1. The Government of Tamil nadu
Rep by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
2. The Assistant Director (Panchayat),
Rural Development and Panchayat Raj,
Tiruchirappalli.
3. The District Collector / Inspector of Panchayat,
Collectorate,
Tiruchirappalli District.
4. The Block Development officer,
Koothur Panchayat Union,
Manachanallur,
Tiruchirappalli District.
5. The Executive Officer/ The President of Koothur Panchayat,
Koothur Panchayat,



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Mannachanallur Taluk,
Tiruchirappalli District.

... Respondents

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take the following actions:

1. To make operational the three overhead water storage tanks (Jayendra Nagar, Pon Nagar, Masi Nagar) in the Panchayat area.
2. To install ladders on the street lights for maintenance from time to time.
3. To implement a solid waste management (Swachh Bharat Mission) including segregation of garbage collected from the inhabitants.
4. To prohibit the Panchayat from dumping garbage on the Trichy - Chennai National Highway (NH - 45) to prevent public health Hazards and accidental risks.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 to R4 : Mr.P.Thilakkumar, Government Pleader
For R5 to R9 & R11 : No appearance

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.



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WEB COP 2.

This writ petition has been filed for a Mandamus, directing the respondents to take action to make the three overhead water storage tanks at Jayendra Nagar, Pon Nagar and Masi Nagar in the panchayat area operational; to install ladders on the street lights for maintenance from time to time; to implement solid waste management (Swachh Bharat Mission) including segregation of garbage collected from the inhabitants and to prohibit the Panchayat from dumping the garbage on the Trichy - Chennai National Highway (NH - 45), to prevent public health Hazards and accidental risks.

3. Pointing out the aforesaid requirements, though the petitioner made various representations, last of which dated 16.07.2024, to the respondents both in person and through registered post, no action was taken. Hence, this writ petition.

4. Heard both sides.



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WEB COP 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 respondents herein, to consider the petitioner's representation dated 16.07.2024, 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, who may be interested in the subject property, within a 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



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that it is open to the concerned respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
26.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Principal Secretary,
Government of Tamil nadu
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2. The Assistant Director (Panchayat),
Rural Development and Panchayat Raj,
Tiruchirappalli.

3. The District Collector / Inspector of Panchayat,
Collectorate, Tiruchirappalli District.

4. The Block Development officer,
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WEB COPY



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

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5. The Executive Officer/ The President of Koothur Panchayat,
Koothur Panchayat,
Mannachanallur Taluk,
Tiruchirappalli District.

ORDER MADE IN
W.P(MD)No.24810 of 2024
DATED : 26.11.2024