



WP(MD). No.24666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

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

**WP(MD). No.24666 of 2024 and
WMP(MD) No.20989 of 2024**

Selvaraj

... Petitioner

Vs

- 1. The District Collector,
Sivagangai District, Sivagangai..**
- 2. The Assistant Director of Panchayat,
Collectorate Buildings,
Sivagangai District, Sivagangai..**
- 3. The Block Development Officer,
Ilayangudi Village Panchayat,
Sivagangai District, Sivagangai..**
- 4. The Panchayat President,
Salaigramam Village Panchayat,
Ilayangudi Union, Sivagangai District..**
- 5. The Superintending Engineer,
TANGEDCO, Sivagangai District, Sivagangai..**
- 6. Lalithambigai**
- 7. Mugilian**

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8. Karunanidhi

... 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 no.1 to 4 herein to initiate appropriate action as against the respondents no.6 to 8 herein for carrying on illegal and unauthorized constructions in S.No.808/9, Salaigramam Village Ilayangudi Taluk, Sivagangai District based on the representation dated 03.10.2024 as per the provisions of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents : Mr.P.Thilak Kumar for R1 to R4
Government Pleader

Mr.R.Aravind for R7&R8

No appearance for R5&R6

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 1 to 4 herein to initiate appropriate action against the



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respondents 6 to 8 herein for carrying on illegal and unauthorized constructions in S.No.808/9, Salaigramam Village Ilayangudi Taluk, Sivagangai District based on the representation dated 03.10.2024 as per the provisions of the Tamil Nadu Town and Country Planning Act 1971.

4. The petitioner herein had given a representation on 03.10.2024 to the respondents 1 to 4 to initiate action for the illegal and unauthorized constructions made in the aforesaid survey number. Since the said representation was not considered so far, the present writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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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6. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 03.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 6 to 8 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 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. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

26.11.2024

Index : Yes / No
Internet : Yes
RR



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ORDER
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