



W.P.(MD)No.26945 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.26945 of 2024

C.Jeyakumar

: Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner / Monitoring Committee,
Madurai City Corporation,
Madurai.

3.The Assistant Commissioner,
North Zone 2,
Madurai Corporation,
Pandhayathidalsalai,
K.Pudur,
Madurai – 7.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents



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to immediately remove all encroachments obstructing Ward No.22, Muthuramalinga Street located in S.No.2466/4K and 2466/5A of Old Ward No.10, Block No.64, Madurai Northand is currently a new cement road in accordance with the commitments made by the respondents, ensuring that it meets the required standards for safety and accessibility, based on the petitioner's wife representation dated 26.07.2024 within the time stipulated by this Court.

For Petitioner : Mr.T.Xavier Devasahayam

For Respondent No.1 : Mr.P.Thilak Kumar

Government Pleader

For Respondent No.2 : Mr.S.Vinayak

O R D E R

[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 immediately remove all encroachments obstructing Ward No.22, Muthuramalinga Street located in S.No. 2466/4K and 2466/5A of Old Ward No.10, Block No.64, Madurai



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Northend which is currently a new cement road in accordance with the commitments made by the respondents, ensuring that it meets the required standards for safety and accessibility, based on the petitioner's wife's representation dated 26.07.2024.

3.The petitioner's wife herein had given a representation to the second respondent on 26.07.2024 in this regard. 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 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 second respondent herein to consider the petitioner's wife's representation dated 26.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein as well as all other persons, who may be interested in the subject matter, 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.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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ORDER MADE IN
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