



WP(MD). No.25751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2024

CORAM

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

**WP(MD). No.25751 of 2024
and WMP(MD) No.21818/2024**

B.Brijesh Kishore

... Petitioner

Vs

- 1. The State of Tamilnadu,
Represented by its Principal Secretary to Government,
Municipal Administration and Water Supply (Ma.1) Department,
Chennai..**
- 2. The Director,
Directorate of Town and Country Planning,
Government of Tamilnadu,
Koyambedu,
Chennai - 600 107..**
- 3. The Deputy Director,
Town and Country Planning Department,
No.108, Thiruvananthapuram Road,
Tirunelveli District..**
- 4. The District Collector/Chair Person of Monitoring Committee,
Kanyakumari District @ Nagercoil..**



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5. The Assistant Director,
District Town and Country Planning Office,
Collector Office Campus,
Kanyakumari District @ Nagercoil..
6. The Assistant Director of Town Panchayats,
Kanyakumari District @
Nagercoil.
7. The Superintendent of Police,
Kanyakumari District @ Nagercoil.
8. The Executive Officer,
Kulasekharam Selection Grade Town Panchayat,
Kanyakumari District..
9. Junior Engineer (Urban),
TANGEDCO,
Kulasekharam Distribution Circle,
Kanyakumari District..
10. John Ebenezer,
Sub Inspector of Survey,
Agastheeswaram Taluk,
Kanyakumari District,
Formerly Working as
Deputy Inspector of Survey,
Thiruvattar Taluk,
Kanyakumari
11. Raja Vinu,
S/o.Thangaraj,
Manalivilai Puthen Veedu,
Cheruppalur and Post,
Thiruvattar Taluk,
Kanyakumari District..



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12. Raja Kumar,
S/o.Thangaraj,
Manalivilai Puthen Veedu,
Cheruppalur and Post,
Thiruvattar Taluk,
Kanyakumari 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 2 to 8 herein to demolish the illegal and unauthorized construction namely Apartment building put up by the 11th respondent herein in Survey No.40/2A1 consisting of 2 cents and 784 sq.links of Aruvikkarai Village, Thiruvattar Taluk, Kanyakumari District without obtaining valid Building Plan Approval from the 8th Respondent herein on the basis of the Petitioner's representation made before them by RPAD dated 14.10.2024.

For Petitioner : Mr.C.Rajakumar

For Respondents : Mr.J.Ashok for R1 to R6
Additional Government Pleader
Mr.P.Kottaichamy for R7
Government Advocate (crl. Side)
Mr.S.Deenadayalan for R9

ORDER

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

This writ petition has been filed for a mandamus to direct the respondents 2 to 8 herein to demolish the illegal and unauthorized



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construction namely apartment building put up by the 11th respondent herein in Survey No.40/2A1 consisting of 2 cents and 784 sq. links of Aruvikkarai Village, Thiruvattar Taluk, Kanyakumari District without obtaining valid building plan approval from the 8th respondent herein on the basis of the Petitioner's representation made before them by RPAD dated 14.10.2024.

2. The petitioner herein had given a representation to the respondents 2 to 8 on 14.10.2024 to demolish the illegal construction made by the 11th respondent. Since the said representation was not considered, the present writ petition has been filed.

3. 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



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of the India and direct them to consider the same within a stipulated time.

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4. In the light of the above observations, there shall be a direction to the respondents 1 to 8 herein to consider the petitioner's representation dated 14.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondent No.11 herein, 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.

5. 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]

22.11.2024

NCC : Yes/No

Index : Yes/No

RR

5/7



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