



W.P(MD)No.26974 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26974 of 2024

and

W.M.P(MD)No.22850 of 2024

C.Usha

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Tiruchirappalli District – 620 001.
- 2.The Assistant Director,
Directorate of Town Panchayat,
Trichy Zone,
Collectorate,
Tiruchirappalli District – 620 001.
- 3.The Deputy Director of Town &
Country Planning,
Trichy Region,
Kajamalai Main Road,
Kajamalai,
Tiruchirappalli District – 620 023.
- 4.The Executive Officer,
Pullambadi Town Panchayat,



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Pullambadi, Lalgudi,
Tiruchirappalli District – 621 711.

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5.Manimekalai

6.J.Paul

7.J.Philomen

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the fourth respondent herein from granting any layouts approval or building planning permission to the respondents 5 to 7 or their agents for construct any building in respect of Suit “C” Scheduled property in O.S.No.41 of 2020 on the file of the Subordinate Judge, Lalgudi comprising in S.No.409/11A, 11B, 13, 14 and 15 (New S.F.No. 43/11A1 and 43/11A2) measuring an extent of 48 1/2 cents situated at Pullambadi Town Panchayat, Pullambadi, Lalgudi Taluk, Tiruchirappalli District by considering the petitioner's representation dated 24.07.2024 within time stipulated by this Court.

For Petitioner : Ms.K.Vidya

For Respondents : Mr.S.Kameswaran
Government Advocate
for R.1 to R.3

Mr.S.P.Maharajan
Special Government Pleader
for R.4



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the fourth respondent herein from granting any layout approval or building planning permission to the respondents 5 to 7 or their agents for constructing any building in respect of Suit “C” Scheduled property in O.S.No.41 of 2020 on the file of the Subordinate Judge, Lalgudi comprising in S.No.409/11A, 11B, 13, 14 and 15 (New S.F.No. 43/11A1 and 43/11A2) measuring an extent of 48 1/2 cents situated at Pullambadi Town Panchayat, Pullambadi, Lalgudi Taluk, Tiruchirappalli District by considering the petitioner's representation dated 24.07.2024

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned Special Government Pleader appearing for the fourth respondent and carefully perused the entire materials available on record. Considering the nature of relief to be granted, issuance of notice to the respondents 5 to 7 is dispensed with.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has filed a suit against the co-owners with respect to the property in Survey Nos.409/11A, 11B, 13, 14 and 15 of Pullambadi Village, Lalgudi Taluk in O.S.No.41 of 2020 on the file of Sub Court, Lalgudi and the case is pending. It is learnt by the petitioner that the fourth respondent had granted an approval for layout and building planning permission for the respondents 5 to 7 for construction of building with respect to the D-schedule property in O.S.No.41 of 2020 measuring to an extent of 48 ½ cents. Hence, the petitioner made a representation on 24.07.2024 requiring the fourth respondent to cancel the aforesaid permission. The same is not considered.

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 the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending



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indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. It is made clear that without going into the merits of this case, this Court hereby direct the fourth respondent to consider the representation of the petitioner dated 24.07.2024 and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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To

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Copy to

The Subordinate Judge,
Lalgudi.



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L.VICTORIA GOWRI, J.

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