



W.P.(MD)No.26634 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.26634 of 2024

and

W.M.P.(MD)No.22602 of 2024

A.S.Amurudeen

: Petitioner

Vs.

- 1.The Commissioner,
Trichy Municipal Corporation,
Trichy.
- 2.The Assistant Commissioner,
Co-Abhisekharapuram Division,
Trichy Municipal Corporation,
Trichy.
- 3.The Director,
Local Town Planning Authority,
Kajamalai,
Trichy.



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4.Jalaludeen

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 herein to restrain the fourth respondent from in any manner construction of third floor comprised in T.S.No.183/3 at New Ward No.E New Block No.19, Meenkara Street, Thennur, Trichy without getting building plan approval and other necessary permissions on the basis of proceedings in Na.Ka.No.F/7522-65/2024/Z-5 dated 25.09.2024, issued by the second respondent morefully by considering the petitioner's representation dated 20.09.2024 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondents 1 to 3 : Mr.Kishore Ram

for M/s.R.B.Law Associates

Standing Counsel

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.



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2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 3 herein to restrain the fourth respondent from in any manner construct the third floor comprised in T.S.No.183/3 at New Ward No.E New Block No.19, Meenkara Street, Thennur, Trichy, without getting building plan approval and other necessary permissions on the basis of proceedings in Na.Ka.No.F/7522-65/2024/Z-5 dated 25.09.2024, issued by the second respondent, morefully by considering the petitioner's representation dated 20.09.2024.

3.Since this Court is directing the official respondents to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

4.The petitioner herein had given a representation to the official respondents on 20.09.2024, for restraining the fourth respondent from constructing the third floor in the subject land. Since the said representation was not considered, the present writ petition has been filed.



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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 1 to 3 herein to consider the petitioner's representation dated 20.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the fourth respondent herein, as well as all other persons, who may be interested in the subject property, 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.



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

[M.S.R.,J.] & [A.D.M.C.,J.]

06.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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To

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Trichy.

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and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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