



WP(MD). No.26738 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2024

CORAM

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

**WP(MD). No.26738 of 2024
and WMP(MD) No.22672 of 2024**

S.Krishnan

... Petitioner

Vs

**1. The District Collector
Kanyakumari District
Nagercoil.**

**2.The Assistant Director of Village Panchayat
Office of the District Collector
Nagercoil, Kanyakumari District**

**3.The Block Development Officer,
Thovalai Taluk
Kanyakumari District**

**4.The Executive Officer,
Therekalputhoor Village Panchayat
Therekalputhoor Village
Kanyakumari District**

5.Sindhu

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus to direct the

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respondents 1 to 4 to take action on the issue by passing suitable orders to lay road in the Thiruvazhimarban Nagar Street for 150 meter length and 16 feet width, being the Thiruvazhimarban Nagar Street, situate in the Therekalputhoo Village, Thovalai Taluk and Kanyakumari District by considering the representation of the petitioner dated 28.10.2024 within a time frame fixed by this Court.

For Petitioner : Mr.S.R.Sathan Boopathy
for M/s.Aran Legal Consultancy
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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 to take action on the issue by passing suitable orders to lay road in the Thiruvazhimarban Nagar Street for 150 meter length and 16 feet width, being the Thiruvazhimarban Nagar Street, situate in the Therekalputhoo Village, Thovalai Taluk and Kanyakumari District by considering the representation of the petitioner dated 28.10.2024 within a time frame fixed by this Court.



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3. Since this Court is directing the respondents 1 to 4 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 respondents 1 to 4 on 28.10.2024 for laying a road in his village. Since the said representation was not considered, the present writ petition has been filed.

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.



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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 28.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondent, as well as all other persons, who may be interested in the subject property, within a period of twelve weeks 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]

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NCC : Yes/No

Index : Yes/No

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