



WP(MD). No.28528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

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

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C.Kirubakaran

... Petitioner

Vs

**1. The District Collector,
Virudhunagar District, Virudhunagar.**

**2. The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.**

**3. The Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.**

**4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Virudhunagar District, Virudhunagar.**

**5. Thangaraj,
S/o.Rasamani,
Ward 24,D.No. 1018,
Malaiyedipatti,
Rajapalayam,
Virudhunagar District.**

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to take appropriate steps to remove the salt godown of the 5th respondent functioning at Door No. 1018, Ward no. 24 West Malaiyedipatti, Rajapalayam Municipal Corporation, Virudhunagar District in the light of the proceedings of the 4th respondent and based on our representation dated 29.07.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.B.Sathishkumar
For Respondents : Mr.P.Thilak Kumar for R1 and R2
Government Pleader
Mr.N.Dilipkumar for R3

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. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.

3. This writ petition has been filed for a mandamus to direct the 3rd respondent to take appropriate steps to remove the salt go-down of the 5th



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respondent functioning at Door No. 1018, Ward no. 24 West Malaiyedipatti, Rajapalayam Municipal Corporation, Virudhunagar District in the light of the proceedings of the 4th respondent and based on the petitioner's representation dated 29.07.2024.

4. In order to remove the godown said to have been constructed by the 5th respondent, the petitioner herein had given a representation to the respondents 1 to 3 on 29.07.2024. Since the said representation was not considered so far, the present writ petition has been filed.

5. 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 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 3rd respondent herein to consider the petitioner's representation dated 29.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondent No.5 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.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

28.11.2024

Index : Yes / No

Internet : Yes

RR



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2. The Tahsildar,
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3. The District Environmental Engineer,
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ORDER
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