



WP(MD). No.28518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM

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

**WP(MD). No.28518 of 2024
and WMP(MD) No.24191 of 2024**

Murugesan @ Balan

... Petitioner

Vs

**1. The Secretary,
State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai.**

**2. The District Collector,
Trichy District.**

**3. The Superintending Engineer,
Public Works Department,
Trichy.**

**4. The Revenue Divisional Officer,
Trichy.**

**5. Dhanapaul,
Continental Construction Company,
No.31-E, Kuttupalayam,
Perundurai Post, Sakthi Nagar Via,
Erode District.**

... Respondents

1/6



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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 1st to 3rd respondents to remove the unauthorized construction being put-up by the 5th respondent in Survey No.1/1 of Trichy Town, just opposite to the office of the 4th respondent within the Collectorate Campus, Tiruchirapalli and consequently direct the 1st respondent to initiate legal action by contemplating an enquiry based on the petitioner representation dated 26.10.2024 within the time limit that may be fixed by this Court.

For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.P.Thilak Kumar for R1 to R4
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. Since no adverse orders are going to be passed against the respondent No.5, notice to respondent No.5 is dispensed with.

3. This writ petition has been filed for a mandamus to direct the 1st to 3rd respondents to remove the unauthorized construction being put-up



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by the 5th respondent in Survey No.1/1 of Trichy Town, just opposite to the office of the 4th respondent within the Collectorate Campus, Tiruchirapalli and consequently direct the 1st respondent to initiate legal action by contemplating an enquiry based on the petitioner's representation dated 26.10.2024.

4. The petitioner herein had given a representation on 26.10.2024 to the respondents 1 to 4 to remove the unauthorised construction alleged to have been made by the respondent No.5. 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 respondents 1 to 4 herein to consider the petitioner's representation dated 26.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and respondent No.5 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. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

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Index : Yes / No
Internet : Yes
RR



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