



W.P.(MD)No.28347 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28347 of 2024

N.K.Devasthanam

... Petitioner

Vs.

1.The Karaikudi Municipal Corporation,
Represented by its Commissioner,
Karaikudi, Sivagangai District.

2.AL.Meyappan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to take necessary action under Section 136(1) of the Tamil Nadu Urban Local Bodies Act, against a dilapidated building situated in TS Nos. 194, Ward no. 16, Block No. 5 in the 1st respondent Corporation limit within a time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.E.P.Venkateshwar (R1)
Standing Counsel

ORDER

This writ petition came to be filed seeking for a direction to the 1st respondent to take necessary action under Section 136(1) of the Tamil Nadu



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Urban Local Bodies Act, against a dilapidated building situated in TS Nos. 194, Ward no. 16, Block No. 5 in the 1st respondent Corporation limit within a time stipulated by this Court.

2. Mr.E.P.Venkateshwar, learned Standing Counsel takes notice for the first respondent. Considering the limited scope of the relief sought for in this writ petition, notice to the second respondent is dispensed with.

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

4. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

5. A complaint has been made by the petitioner temple administration to the first respondent on 06.02.2024 in person and through registered post on 07.02.2014. Since the same has not been considered, this writ petition came to be filed.



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6. 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 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.

7. In view of the above, without going into the merits of the case, this Court directs the first respondent to consider the complaint made by the petitioner dated 06.02.2024 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

27.11.2024

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

- 1.The Karaikudi Municipal Corporation,
Represented by its Commissioner,
Karaikudi, Sivagangai District.

Order made in
W.P.(MD)No.28347 of 2024

Dated
27.11.2024