



WP(MD). No.28372 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

CORAM

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

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R. Mayilsamy

... Petitioner

Vs

1. The Director of Municipal Administration,
No.78, Urban Administrative Buildings,
Santhom High Road, MRC Nagar,
Chennai 28.

2. The District Collector,
Collectorate Building,
Madurai 625 020.

3. The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai, Thallakulam,
Madurai 625 002.

4. The Member Secretary / the Assistant Director,
Town Planning Country,
Sector 6, Anaiyur, Koodalpudur-Anaiyur,
Madurai 625 017.

5. The Assistant Commissioner, Zone-2
(North) Madurai City Corporation,
K.Pudhur, Madurai 625 007.

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6. G.V.Hospital,
1, Suresh Street,
Natraj Nagar, Opp to Fenner Gate,
Kochadai, Madurai City 625 016.

... 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 respondents Nos.1 to 5 herein to take action against the unauthorized construction and building violation made by the 6th respondent hospital under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 31.08.2024.

For Petitioner : Mr.J.M.Arvind Pawlraj
For Respondents : Mr.P.Thilak Kumar for R1 & R2
Government Pleader
Mr.P.Anbunidhi for R3 to R5

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 respondent No.6, notice to the respondent No.6 is dispensed with.

3. This writ petition has been filed for a mandamus to direct the



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respondents Nos.1 to 5 herein to take action against the unauthorized construction and building violation made by the 6th respondent hospital under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 31.08.2024.

4. The petitioner herein had given a representation on 31.08.2024 to the respondents 1 to 5 to take action against the unauthorised construction alleged to have been made by the 6th respondent . 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



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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 5 herein to consider the petitioner's representation dated 31.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondent No.6 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]

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Index : Yes / No

Internet : Yes

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