



W.P.(MD)No.28262 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.28262 of 2024

P.Kanagaraj

... Petitioner

Vs.

1. The District Collector ,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Vilathikulam,
Thoothukudi District.
3. The Block Development Officer,
Vilathikulam,
Thoothukudi District.
4. The Panchayat President,
Mathikulam Panchayat,
Thoothukudi District.
5. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

6. Ramasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st to 5th respondents to remove the damaged property of 6th respondent which is causing dangerous to living of



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the petitioner and his family as per Article 21 of the Constitution of India, based on petitioner's representation dated 08.11.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Pandian
For Respondent : Mr.T.Amjad Khan (R1 & R2)
Government Advocate
Mr.D.Gandhiraj (R3)
Special Government Pleader
Mr.K.Gnanasekaran (R5)
Government Advocate

ORDER

This writ petition came to be filed seeking for a direction to the 1st to 5th respondents to remove the damaged property of 6th respondent, which is dangerous to the livelihood of the petitioner and his family, as per Article 21 of the Constitution of India, based on the petitioner's representation dated 08.11.2024 within the time limit that may be stipulated by this Court.

2. Mr.T.Amjad Khan, learned Government Advocate takes notice for the first and second respondents and Mr.K.Gnanasekaran, learned Government Advocate takes notice for the fifth respondent and Mr.D.Gandhiraj, learned



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Special Government Pleader takes notice for the third respondent. Considering the limited scope of the relief sought for in this writ petition, notice to the fourth and sixth respondents 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. The petitioner has made a representation on 08.11.2024 to the official respondents to take necessary steps to direct the 6th respondent to remove his dilapidated house, so as to prevent any damage to the petitioner. Since the same has not been considered, this writ petition has been filed.

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



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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, this Court directs the respondents 1 to 5 to consider the representation of the petitioner dated 08.11.2024 after giving opportunity of hearing to the petitioner and the sixth respondent and pass appropriate orders on merits and in accordance with law with in a period of four 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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WEB COPY **TO:-**

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Thoothukudi District,
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Thoothukudi District.
3. The Block Development Officer,
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5. The Inspector of Police,
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WEB COPY



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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.28262 of 2024

Dated
27.11.2024