



W.P(MD)No.28278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.28278 of 2024
and
WMP(MD)No.23976 of 2024**

Manikandan

... Petitioner

vs.

1. The Principal Secretary to Government of Tamilnadu,
Municipal Administration,
Fort Saint George, Chennai - 9.

2. The Director,
Town Panchayat Administration,
75, Santhome High Road,
Pattinapakkam, MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

3. The District Collector,
District Collectorate Campus,
Kanyakumari District at Nagercoil.

4. The Assistant Director of Town Panchayats,
Nagercoil, Kanyakumari District.

5. The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari.



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6. The Divisional Engineer
(Highways Department),
Construction and Maintenance,
Nagercoil, Kanyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents (especially the 5th respondent) to drop all further proceedings in converting the Two Wheeler Parking area situated in the Western side of Triangular Park, Opposite to Gandhi Mandapam, Kanyakumari into a Park by way of extending the Triangular Park and to maintain both the above existing Triangular Park and Two Wheeler Parking Area by considering the petitioner's representation dated 18.11.2024.

For Petitioner : Mr.S.Saravanakumar
For R1 to R6 : Mr.P.Thilakkumar, 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. This writ petition has been filed for a Mandamus, directing the respondents (especially the 5th respondent) to drop all further proceedings in converting the two wheeler parking area situate in the



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western side of Triangular Park, opposite to Gandhi Mandapam, Kanyakumari into a Park, by way of extending the Triangular Park and to maintain both the above existing Triangular Park and two wheeler parking area, by considering the petitioner's representation dated 18.11.2024.

3. The learned counsel appearing for the petitioner would submit that there is a two wheeler parking area situate in the western side of Triangular Park, opposite to Gandhi Mandapam, Kanyakumari, where, number of devotees and tourists used to park their vehicles to visit the beach and temple etc. However, now the 5th respondent Executive Officer, Kanyakumari Special Grade Town Panchayat, is taking steps to convert the said parking area into a Park by extending the Triangular Park situate adjacent to the two wheeler parking area. According to the petitioner, in spite of the aforesaid parking area, where 200 two wheelers could be parked, due to the crowd of devotees and tourists, the said parking area itself is being insufficient, but by virtue of the action of the 5th respondent in converting the same into a Park, there would be huge traffic mess in the said location, where the parking area



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is very much required. In this regard, the petitioner made a representation dated 18.11.2024, to the respondents to maintain the said parking area as such, but finding no heed to it was paid, the petitioner has come forward with this writ petition.

4. Heard the learned counsel appearing for the petitioner and learned Government Pleader appearing for the official respondents.

5. 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 him 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 official respondents herein, to consider the petitioner's representation dated 18.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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.)
27.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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ORDER MADE IN
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