



W.P.(MD)No.28754 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2024**

CORAM:

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

W.P.(MD)No.28754 of 2024

V.Aasaimathi

... Petitioner

Vs.

1. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.
2. The Municipal Health Officer,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.
3. The Proprietor,
M/s.Meena Chicken Stall,
Bharathi Nagar 6th Street,
Sudamanipuram North,
Azhagappapuram,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action as per Section 44 and 45 of the Tamilnadu Public Health Act against the



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3rd respondent herein on the basis of the petitioner's representation dated 24.08.2024.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.E.P.Venkateshwar (R1 & R2)
Standing Counsel

ORDER

This writ petition has been filed to direct the first and second respondents to consider the petitioner's representation dated 24.08.2024 to conduct action against the third respondent.

2. Considering the limited scope of the relief sought for in this writ petition, notice to the third respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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



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4. The plight of the petitioner is that the third respondent is running a chicken shop without adhering to the mandates of the local body for maintenance of health and hygiene, for which, the petitioner has made a representation on 24.08.2024 to the first and second respondents to take action against the third respondent and the same has not been considered.

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 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.

6. In view of the same, the first and second respondents are directed to consider the petitioner's representation dated 24.08.2024, after putting the third respondent on notice and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.



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

29.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

WEB COPY

1. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.
2. The Municipal Health Officer,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.28754 of 2024

Dated
29.11.2024