



WP(MD). No.29145 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2024

CORAM

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

**WP(MD). No.29145 of 2024
and WMP(MD) No.24659 of 2024**

I.Suresh

... Petitioner

Vs

**1. The Assistant Director of Town and Country Planning,
DTCP Office, No. 466/a, 17 Ward,
Nehruji Nagar, Allinagaram,
Theni District..**

**2. The Commissioner,
Bodinayakannur Municipality,
Bodinayakannur..**

**3. Thamim Ansari,
S/o. Unknown,
Plot No. D52, B.Subburaj Nagar,
3rd Street, Ward 32,
Bodinayakannur..**

... 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 1 and 2 to take appropriate action against the unauthorized construction made by the 3rd respondent in a house site in bearing Plot

1/5



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No. d-52 in S.F. No. 4247 in 3rd street, Ward 32, Subburaj Nagar, Bodinayakannur, Theni District. by considering his representation dated 14.10.2024 in accordance with law.

For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.J.Ashok for R1 & R2
Additional 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. Since no adverse order is going to be passed against the 3rd respondent, notice to the third respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct respondents 1 and 2 to take appropriate action against the unauthorized construction made by the 3rd respondent in a house site in bearing Plot No. d-52 in S.F. No. 4247 in 3rd street, Ward 32, Subburaj Nagar, Bodinayakannur, Theni District. by considering his representation dated 14.10.2024 in accordance with law.



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4. In order to take action on the unauthorized construction alleged to have been made by the 3rd respondent, the petitioner has given a representation on 14.10.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

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 of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the 2nd respondent herein to consider the petitioner's representation dated 14.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 3rd respondent and all other persons, who may be interested in the



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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]

05.12.2024

NCC : Yes/No

Index : Yes/No

RR

To

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No. 466/a, 17 Ward,
Nehruji Nagar, Allinagaram,
Theni District..

2. The Commissioner,
Bodinayakannur Municipality,
Bodinayakannur..



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 05/12/2024