



WP(MD). No.29188 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.29188 of 2024
and WMP(MD) No.24694 of 2024**

S.Thilak

... Petitioner

Vs

**1. The Municipal Commissioner,
Ambasamudram Municipality,
Ambasamudram,
Tirunelveli District..**

**2. Gomathi,,
W/o. Ramsingh,
D.No. 31a, Santhaimadam
North Street,
Ambasamudram,
Ambasamudram Taluk,
Tirunelveli District..**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to take action against the unauthorized construction made by the 2nd respondent in Plot No. 23 situated in New S.No. 202A/1A2I at Pannai Sankaraiyer Nagar, Mela Ambasamudram, Ambasamudram Village, Ambasamudram Taluk, Ambasamudram Municipality,

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Tirunelveli District by considering the representations of the petitioner dated 07-05-2024 and 03-11-2024.

For Petitioner : Mr.V.Karthick Raja
For Respondents : Mr.S.Packiamuthu for R1

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 orders are going to be passed against the respondent No.2, notice to the respondent No.2 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 1st respondent to take action against the unauthorized construction made by the 2nd respondent in Plot No. 23 situated in New S.No. 202A/1A2I at Pannai Sankaraiyer Nagar, Mela Ambasamudram, Ambasamudram Village, Ambasamudram Taluk, Ambasamudram Municipality, Tirunelveli District by considering the representations of the petitioner dated 07-05-2024 and 03-11-2024.



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4. In order to take action on the unauthorized construction said to have been made by the 2nd respondent, the petitioner has given a representation to the 1st respondent on 03.11.2024. 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 1st respondent herein to consider the petitioner's representation dated 03.11.2024, on its own merits and pass appropriate orders in



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accordance with law, after giving due opportunity to the petitioner and the 2nd respondent and 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]

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NCC : Yes/No

Index : Yes/No

RR



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

RR

ORDER
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