



WP(MD). No.29320 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2024

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

WP(MD).No.29320 of 2024
and WMP(MD) No.24753 of 2024

B.Vimala

... Petitioner

Vs

**1. The Commissioner,
Madurai City Municipality Corporation,
Madurai District.**

**2. The Assistant Commissioner,
Zone Iv (South),
Madurai City
Municipality Corporation,
Madurai District.**

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus by calling for the records pertaining to the impugned order dated 08.10.2024 passed by the 2nd respondent in File No. Z4D1/003569/24 and quash the same as illegal and consequently direct the 1st respondent to regularize the unauthorized construction made in RS.No. 57/3 situated in ward 41, Kallammbal Main Road, Iravathanallur, Madurai District by considering



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the petitioner's representation dated 18.11.2024 and the revised Building Plan submitted by the petitioner.

For Petitioner : Mr.G.R.Sathish
For Respondent : Mr.F.Deepak

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. Challenging the impugned order of the 2nd respondent dated 08.10.2024 and for a consequential direction to the 1st respondent to regularize the unauthorized construction made in RS.No. 57/3 situated in ward 41, Kallammbal Main Road, Iravathanallur, Madurai District by considering the petitioner's representation dated 18.11.2024 and the revised Building Plan, the petitioner is before this Court.

3. Though the petitioner herein has challenged the notice issued under Section 135(4) of the Tamil Nadu Urban Local Bodies Act, the learned counsel for the petitioner submitted that he had given a



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representation for regularizing the unauthorized construction to the first respondent and submitted that he would be satisfied if the first respondent considers the same.

4. 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.

5. In the light of the above observations, there shall be a direction to the 1st respondent 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 the other persons, who may be interested in the subject property, within a period of eight weeks from the date of receipt of a copy of this



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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.

6. The writ petition stands disposed of accordingly. 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

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ORDER
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