



W.P.(MD).No.29530 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM

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

W.P.(MD).No.29530 of 2024

C.Jeyakumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner / Monitoring Committee,
Madurai City Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to immediately remove all encroachments obstructing S.No.211 of Ward No.5, Melamadurai, Ponmeni, Block No.32, Madurai West, Madurai District and to restore the original width of the road by considering the petitioner's representation dated 20.09.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For R-1 : Mr.P.Thilak Kumar

Government Pleader



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For R-2 : Mr.P.Anbunidhi
Standing Counsel

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for a Mandamus to direct the respondents to immediately remove all encroachments obstructing S.No.211 of Ward No.5, Melamadurai, Ponmeni, Block No.32, Madurai West, Madurai District and to restore the original width of the road by considering the petitioner's representation dated 20.09.2024 within the time frame stipulated by this Court.

3. The petitioner herein had given a representation to the second respondent on 20.09.2024 to remove the encroachments obstructing S.No.211 of Ward No.5, Melamadurai, Ponmeni, Block No.32, Madurai West, Madurai District and to restore the original width of the road. Since the said representation was not considered, the present Writ Petition has been filed.



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4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 20.09.2024, 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 matter, within a period of three (3) 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.



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

(M.S.R.,J.) (A.D.M.C.,J.)
10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner / Monitoring Committee,
Madurai City Corporation,
Madurai.



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

Lm

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