



WP(MD). No.29522 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

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G.Velmurugan,

... Petitioner

Vs

**1. The Executive Engineer,
Thiruppuvanam Selection Grade Town Panchayat,
Thiruppuvanam,
Sivagangai District - 630 611..**

**2. M.Suresh Babu,
S/o.Late.Muthuraja,
9, Amman Koil Street,
Thiruppuvanam,
Sivagangai District - 630 611..**

**3. S.Ponraj,
S/o.M.Suresh Babu,
9, Amman Koil Street,
Thiruppuvanam,
Sivagangai District - 630 611..**

... 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 remove the unauthorized construction made by the



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respondents 2 and 3 in portion of the old building in R.S.No.49/24A, D.No.442A, in Madurai-Mandabam Road, Thiruppuvanam Pudur Village, Sivagangai District in the manner known to law within the time to be stipulated by this Court on the basis of petitioner's representation dated 06.01.2024 and on the basis of the notice of the 1st respondent dated 26.07.2024 vide Na.Ka.No.250/2024/A1.

For Petitioner : Mr.Babu Rajendran

For Respondents : ---

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 respondents 2 and 3, notice to the respondents 2 and 3 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 1st respondent to remove the unauthorized construction made by the respondents 2 and 3 in portion of the old building in R.S.No. 49/24A, D.No.442A, in Madurai-Mandabam Road, Thiruppuvanam



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Pudur Village, Sivagangai District in the manner known to law within the time to be stipulated by this Court on the basis of petitioner's representation dated 06.01.2024 and on the basis of the notice of the 1st respondent dated 26.07.2024 vide Na.Ka.No.250/2024/A1.

4. In order to remove the unauthorized construction made by the respondents 2 and 3 in the aforesaid survey number, the petitioner has given a representation on 06.01.2024. 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.



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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 06.01.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 2 and 3 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.

**[M.S.R.,J] [N.S.,J]
09.12.2024**

NCC : Yes/No
Index : Yes/No
RR



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AND
N.SENTHILKUMAR, J.

RR

ORDER
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