



**WP(MD). No.29543 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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**R.Mayilsamy**

**... Petitioner**

**Vs**

1. The Director of Municipal Administration,  
No.78, Urban Administrative Buildings,  
Santhom High Road,  
MRC Nagar, Chennai - 28..
2. The District Collector,  
Collectorate Building, Madurai - 625 020..
3. The Regional Director,  
Municipal Administrative Officer,  
294, Melakkal Main Road,  
Kochadai, Madurai -625016..
4. The Member Secretary/the Assistant Director,  
Town Planning Country,  
Sector 6 , Anaiyur, Koodalpudur - Anaiyur,  
Madurai - 625017..
5. The Commissioner,  
Tirumangalam Municipal Corporation,  
Tirumangalam,  
Madurai District..

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6. Rahmathulla Mydeen,  
Fathima Hospital and Aysha Fertility Centre,  
Door No.26 and 28,  
Sengulam East, Santhaipettai Near,  
Solavanthan Main Road,  
Tirumangalam Town and Taluk  
Madurai District.

7. Ajitha Banu,  
Fathima Hospital and Aysha Fertility Centre,  
Door No.26 and 28,  
Sengulam East, Santhaipettai Near,  
Solavanthan Main Road,  
Tirumangalam Town and Taluk  
Madurai 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 respondents No.1 to 5 herein to Lock and Seal and remove the unauthorized construction and building violation made by the 6<sup>th</sup> and 7<sup>th</sup> respondents Hospital under the provisions of the Tamilnadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 04.06.2024

For Petitioner : Mr.J.M.Arvind Pawlraj

For Respondents : Mr.SR.A.Ramachandran  
Additional Government Pleader



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**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 5 to 8, notice to the respondents 5 to 8 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.1 to 5 herein to lock and seal and remove the unauthorized construction and building violation made by the 6<sup>th</sup> and 7<sup>th</sup> respondents Hospital under the provisions of the Tamilnadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 04.06.2024.

4. In order to lock and seal and remove the unauthorized construction said to have been made in the aforesaid survey number, the petitioner has given a representation on 04.06.2024. Since the said



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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 respondents 1 to 5 herein to consider the petitioner's representation dated 04.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 6 and 7 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



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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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**M.S. RAMESH, J.**  
**AND**  
**N.SENTHILKUMAR, J.**

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