



WP(MD). No.29557 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

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

**WP(MD). No.29557 of 2024
and WMP(MD) Nos.24930 and 24932 of 2024**

G.Vivekanandhan

... Petitioner

Vs

**1. The District Collector,
Office of the District Collectorate,
Sivagangai District..**

**2. The Assistant Planning Director,
Panchayat Union,
Sivagangai..**

**3. The Tahsildar,
Taluk Office,
Sivagangai..**

**4. The Commissioner,
Piravalloor Panchayat,
Sivagangai..**

**5. The President,
Piravalloor Panchayat,
Sivagangai..**



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6. Arulmozhi

... Respondents

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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka.A2/1440/2022 dated 10.09.2024 issued by the 4th respondent and quash the same and consequently direct the respondents 1 to 3 to take necessary action against the 6th respondent and re-issue the tender in Survey no.46, Piravalloor kanmaai based on the representation dated 29.11.2024.

For Petitioner : Mr.P.Thirumahilmaran
For Respondents : Mr.P.Thilakkumar for R1 to R4
Government Pleader

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 and 6, notice to the respondents 5 and 6 is dispensed with.



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3. The petitioner has filed this writ petition challenging the work order issued to the 6th respondent dated 10.09.2024 and to direct the respondents 1 to 3 to take necessary action against the 6th respondent and re-issue the tender in Survey no.46, Piravalloor kanmaai based on the representation dated 29.11.2024.

4. It is seen that the 6th respondent was issued with the work order pursuant to the auction said to have been conducted on 05.09.2024. However, in violation of the work order, the 6th respondent is attempting to remove the mesquite trees and hence, the petitioner has given a representation on 29.11.2024. 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



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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 3 herein to consider the petitioner's representation dated 29.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 and 6 and all other persons, who may be interested, 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 Petitions are closed.

**[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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ORDER
IN
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