



W.P.(MD)No.29776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29776 of 2024

and

W.M.P.(MD)No.24256 of 2024

M.Moorthy

... Petitioner

Vs.

1. The Director,
Town Panchayat,
No.27, Cf Plus FCG,
MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.
2. The District Collector,
Office of the Collectorate Building,
Madurai District.
3. The Assistant Director,
Office of the Assistant Director,
Town Panchayat,
No.361, Paravai,
Madurai.
4. The Deputy Block Development Officer,
Alanganallur Town Panchayat,
Madurai.



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5. The Executive Officer,
Alanganallur Town Panchayat,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 5th respondent to stop the construction of the public toilet nearby temple and blocked the pathway of the petitioner house property in Survey No.112/3 (sub divided Survey No.112/3A3) in Ward No.3, K.Muniyandipuram, Alanganallur Village, Vadipatti Taluk, Madurai District on the basis of the petitioner's representation dated 18.11.2024.

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Mr.T.Amjad Khan (R1 to R4)

Government Advocate

Mr.B.Saravanan (R5)

Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the fifth respondent to stop the construction of the public toilet nearby temple and blocked the pathway of the petitioner house property in Survey No.112/3 (sub divided Survey No.112/3A3) in Ward No.3, K.Muniyandipuram, Alanganallur Village, Vadipatti Taluk, Madurai District, on the basis of the petitioner's representation dated 18.11.2024.



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

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner has been in possession and enjoyment of the subject property. The fifth respondent is proposed to construct public toilet and if the same is done, the pathway of the petitioner's house will be blocked. Hence, the petitioner has sent a representation on 18.11.2024 with regard to the same. Since the same has not been considered, this writ petition has been filed.

5. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6. In view of the same, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 18.11.2024 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
Sm



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TO:-

WEB COPY

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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.29776 of 2024

Dated
11.12.2024