



WP(MD). No.29982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM

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

WP(MD). No.29982 of 2024

M.Mohammed Akbar

... Petitioner

Vs

1. The Director,
Tamil Nadu Housing and Urban
Development Department,
No.802, Anna Salai,
Chennai - 600 032..

2. The Assistant Director,
Tamil Nadu Director of Town and Country Planning Office,
Anaiyur,Madurai - 17..

3. Madurai Corporation Through,
The Commissioner, Corporation Office,
Tallakulam,
Madurai - 2..

4. The Chief Engineer,
Madurai Corporation,
Corporation Office,
Tallakulam,
Madurai – 2..



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5. The Assistant Commissioner,
Zone-3,
Corporation Office,
West Veli Street,
Madurai - 625 001..

6. A. Sheik Abdullah

... 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 1 to 5 to take action to remove the unauthorized construction made in Madurai Town, Simakkal, North 4th Street in TS No.193 in Madurai Town and also to take action against the unauthorized construction made in Old TS No.161/3, Later TS No.95/3/1 and 95/3/2 and presently in TS No.194 and 198 in Survey Ward No.8, in Block No. 4, in Madurai Corporation Limits, by the 6th respondent in total violation of the planning permission by considering the petitioners representation dated 16.10.2024 within the time stipulated by this Court.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.S.R.A.Ramachandran for R1 and R2
Additional Government Pleader
Mr.K.K.Kannan for R3 to R5

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.



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2. Since no adverse order is going to be passed against the 6th respondent, notice to the 6th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 5 to take action to remove the unauthorized construction made in Madurai Town, Simakkal, North 4th Street in TS No.193 in Madurai Town and also to take action against the unauthorized construction made in Old TS No.161/3, Later TS No.95/3/1 and 95/3/2 and presently in TS No.194 and 198 in Survey Ward No.8, in Block No. 4, in Madurai Corporation Limits, by the 6th respondent in total violation of the planning permission by considering the petitioner's representation dated 16.10.2024.

4. In order to take necessary action on the unauthorized construction, the petitioner has given a representation to the official respondents on 16.10.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



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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 16.10.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 6th respondent as well as 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.



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7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

12.12.2024

NCC : Yes/No

Index : Yes/No

RR

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AND
A.D.MARIA CLETE, J.

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ORDER
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