



WP(MD). No.29968 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.12.2024

CORAM

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

**WP(MD). No.29968 of 2024 and
WMP(MD) No.25243 of 2024**

H.Jeevraj Raj Purohit

... Petitioner

Vs

**1. The Corporation of Madurai,
Represented by its Commissioner,
Arignar Anna Maligai,
Madurai - 625 002..**

**2. The Member Secretary,
Local Planning Authority,
Corporation Building Complex,
III Floor,
Arignar Anna Maligai,
Madurai - 625 002..**

**3. The Executive Engineer (Planning),
the Corporation of Madurai,
Arignar Anna Maligai,
Madurai - 625 002..**

4. Jaya Kiran Jain

5. Jayamala J Jain

... 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 Mandamus, directing the respondents Nos.1 to 3 to remove the unauthorized construction made by the respondent No.4 and 5 in Old TS No.730 New TS No.731, Door No. 49, Pandiyan Agizh Street, C Ward No.65, Zone 4, Madurai Corporation, Madurai within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
For Respondents : Mr.K.K.Kannan for R1 and R3
Mr.P.Thilak Kumar for R2
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 4 and 5, notice to the respondents 4 and 5 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.1 to 3 to remove the unauthorized construction made by the respondent No.4 and 5 in Old TS No.730 New



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TS No.731, Door No.49, Pandiyan Agizh Street, C Ward No.65, Zone 4,
Madurai Corporation, Madurai within the time frame stipulated by this
Court.

4. In order to remove the unauthorized encroachment alleged to have been made in the aforesaid survey number by the 4th respondent, the petitioner has given a representation to the official respondents on 03.12.2024. 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 respondents 1 to 3 herein to consider the petitioner's representation dated 03.12.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5 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. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

12.12.2024

NCC : Yes/No

Index : Yes/No

RR



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
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Date : 12/12/2024