



WP(MD). No.30115 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

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K.Ganesh Babu

... Petitioner

Vs

**1. The District Collector,
Madurai District,
Madurai..**

**2. The Commissioner / Monitoring Committee,
Madurai City Corporation,
Madurai..**

**3. The Deputy Commissioner of Police,
Crime and Traffic,
Madurai City..**

... 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 to take action against the commercial establishments located at Arya Bhavan Junction on West Masi Street and South Masi Street that have violated the parking requirements under Rule 38(4) and Rule 39(8) of the Tamil Nadu Combined Development and Buildings Act, 2019, and



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consequently direct the respondents to take effective steps to provide adequate and organized parking spaces at Arya Bhavan Junction and along West Masi Street and South Masi Street, in order to alleviate traffic congestion, ensure public safety, and improve the accessibility of the area to both pedestrians and vehicles by considering the petitioner's representation dated 15.11.2024.

For Petitioner : Mr.S.Srikanth
For Respondents : Mr.P.Thilak Kumar for R1
Government Pleader
Mr.P.Kottaisamy for R3
Government Advocate (Crl. side)
Mr.P.Anbunithi for R2

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. The petitioner has filed this writ petition for a mandamus to direct the respondents to take action against the commercial establishments located at Arya Bhavan Junction on West Masi Street and South Masi Street that have violated the parking requirements under Rule 38(4) and Rule 39(8) of the Tamil Nadu Combined Development and



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Buildings Act, 2019, and consequently direct the respondents to take effective steps to provide adequate and organized parking spaces at Arya Bhavan Junction along West Masi Street and South Masi Street, in order to alleviate traffic congestion, ensure public safety, and improve the accessibility of the area to both pedestrians and vehicles by considering the petitioner's representation dated 15.11.2024.

3. In order to take action against the commercial establishments in the aforesaid location, the petitioner has given a representation to the official respondents on 15.11.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

4. 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.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 15.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and all other persons, 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.

[M.S.R.,J]

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

12.12.2024

NCC : Yes/No

Index : Yes/No

RR



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