



W.P.(MD).No.30483 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2024

CORAM

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

W.P.(MD).No.30483 of 2024
and
W.M.P.(MD).No.25619 of 2024

S.Satheesh Kumar

... Petitioner

Vs.

- 1.The Director General of Police,
Chennai.
- 2.The District Collector,
Kanyakumari District at Nagercoil.
- 3.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 4.The Chief Educational Officer,
Kanyakumari District at Nagercoil.
- 5.The Headmistress,
The Government Model Higher Secondary School,
Munchirai,
Kanyakumari District.
- 6.The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.



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7. The Executive Engineer,
State Highways Department,
Kuzhithurai,
Kanyakumari District.

8. T. David Raj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to remove all the obstruction made by the 8th respondent in front of Government Model Higher Secondary School, Munchirai, Kanyakumari District and take appropriate action to keep the pathway without any obstruction for free access to the students and teachers to enter into the School.

For Petitioner	: Mr.S.Xavier Rajini
For R-1, R-2	: Mr.P.Thilak Kumar
& R-4	Government Pleader
For R-3 & R-6	: Mr.P.Kottai Chamy
	Government Advocate (Crl. Side)

ORDER

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

2. This Writ Petition has been filed for Mandamus, directing the respondents to remove all the obstruction made by the 8th respondent in front of Government Model Higher Secondary School, Munchirai, Kanyakumari



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District and take appropriate action to keep the pathway without any obstruction for free access to the students and teachers to enter into the School.

3. Since no adverse orders are going to be passed against the eighth respondent, notice to the eighth respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 29.11.2024 to remove all the obstruction made by the eighth respondent in front of Government Model Higher Secondary School, Munchirai, Kanyakumari District. Since the said representation was not considered, the present 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 him 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 6 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 eighth respondent herein, as well as all other persons, who may be interested in the subject matter, within a period of three (3) 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. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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