



W.P.No.15199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.15199 of 2023
and W.M.P.No.14709 of 2023

L.Nallathambi
S/o.Lakshmana Gounder (Late)

... Petitioner

Vs.

1.The District Collector
Salem District
Salem

2.The Revenue Divisional Officer
Attur, Salem District

3.The Tahsildar
Pethanaickenpalayam Taluk Office
Salem District

4.The Revenue Inspector
Pethanaickenpalayam Post & Taluk
Salem District

5.The Village Administrative Officer
Pethanaickenpalayam Post & Taluk
Salem District



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6.The Superintendent of Police
Salem District, Salem

7.The Deputy Superintendent of Police
Vazhapadi, Salem District

8.The Inspector of Police
Yethapur Police Station
Yethapur, Salem District

9.The Executive Officer
Pethanaickenpalayam Town Panchayat
Pethanaickenpalayam Post & Taluk
Salem District

10.Perumal Asari
S/o.Arunachalasari (Late)

11.Ganesan Asari
S/o.Kalian (Late)

12.Mani Asari
S/o.Subramanian (Late)

13.Ganesan Asari
S/o.Subramanian (Late)

14.Murugan Asari
S/o.Subramanian (Late)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, to direct the respondents 1 to 9 to demolish the illegal construction in the name of Kamatchi Amman Temple which is constructed without following the Rule 4(3) of the Tamil



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Nadu Panchayat Building Rules, 1997 and direct the respondents 6 to 8 to take action against the respondents 10 to 14 for demolishing the existing structure of Bajanai Madam which was constructed by petitioner's ancestors property in S.No.440/15 to the extent of 480 sq.ft. situated at Tholuvapalli Street, Pethanaicken Palayam Village, Pethanaicken Palayam Taluk, Salem District.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.R.Kumaravel
Addl. Govt.Pleader – R1 to R9

M/s.Dhaaranee
forAvinash Wadhvani – R11 to 14

No Appearance - R10

ORDER

(Order of the Court was made by ***M.S.RAMESH, J.***)

This petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 9 to demolish the illegal construction in the name of Kamatchi Amman Temple which is constructed without following the Rule 4(3) of the Tamil Nadu Panchayat Building Rules, 1997 and direct the respondents 6 to 8 to take action against the respondents 10 to 14 for demolishing the existing structure of



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Bajanai Madam which was constructed by petitioner's ancestors property in S.No.440/15 to the extent of 480 sq.ft. situated at Tholuvapalli Street, Pethanaicken Palayam Village, Pethanaicken Palayam Taluk, Salem District.

2.It is the contention of the learned counsel for the petitioner that the property comprised in S.No.440/15, Tholuvapalli Street, Pethanaicken Palayam Village, Attur Taluk, Salem District, belonged to the paternal grandfather of petitioner's wife and a Bajanai Madam was formed in the name of "Vanniyar Vaiyapuri Gounder Vagayara Bajanai Madam" in the year 1920. It is his further contention that respondents 10 to 14 encroached the subject property in the guise of constructing a Kamatchi Amman Temple. Therefore, a representation was made by the petitioner to the 1st respondent / District Collector, Salem District on 13.04.2023, to forbear the respondents 10 to 14 from demolishing the Bajanai Madam and the construction of the Kamatchi Amman Temple. Since no action has been taken by the 1st respondent till now, the petitioner has come before this Court seeking for appropriate orders.



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3. Heard the learned counsel for the petitioner as well as the Additional Government Pleader appearing for the respondents 1 to 9.

4. 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 respondents 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 Constitution of India and direct them to consider the same within a stipulated time.

5. In light of the above, this Court without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the 1st respondent to consider the representation of the petitioner dated 13.04.2023, if not already disposed of and pass appropriate orders on its own merits and in accordance with law, after affording an opportunity of hearing to the respondents 10 to 14, within a period of three (3) months from the date of

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receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [R.S.V, J.]
10.12.2025

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Index: Yes / No

Neutral Citation: Yes / No

Speaking / Non Speaking Order

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