



W.P.(MD)No.281 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.281 of 2025

R.Mayilsamy

: Petitioner

Vs.

1.The District of Municipal Administration,
No.75, Urban Administrative Buildings,
Santhom High Road,
MRC Nagar,
Chennai – 28.

2.The District Collector,
Collectorate Building,
Dindigul District,
Dindigul – 4.

3.The Commissioner,
Dindigul City Municipal Corporation,
Trichy Road, Dindigul.



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4.The Deputy Director,
District Town and Country Planning Office,
Door No.14, Viveganantha Nagar,
Dindigul District.

5.The Executive Engineer (Planning),
Dindigul City Municipal Corporation,
Trichy Road,
Dindigul.

6.Rajarajeswari Hospital,
46, Thiruvalluvar Salai,
Spencer Compound,
Dindigul – 624 003.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 herein to take action against the unauthorized construction and building violation made by the sixth respondent hospital under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, on the basis of the representation of the petitioner dated 27.05.2024.



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For Petitioner : Mr.J.M.Arvind Pawlraj

For Respondents 1,2&4 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 3 & 5 : Mr.J.Lawrance
Standing Counsel

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.This writ petition has been filed for a Mandamus to direct the respondents respondents 1 to 5 herein to take action against the unauthorized construction and building violation made by the sixth respondent hospital under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, on the basis of the representation of the petitioner dated 27.05.2024.

3.Since this Court is directing the third respondent to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.



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4.The petitioner herein had given representation to the official respondents on 27.05.2024, in this regard. 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.

6.In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 27.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the sixth respondent, as well as all other persons, who may be interested in the subject property, within a period of three [3]



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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, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

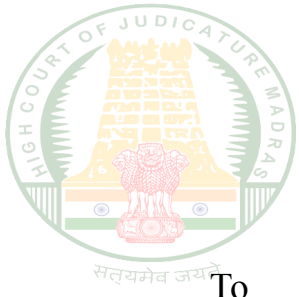
07.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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MR

ORDER MADE IN

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