



W.P.(MD)No.172 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **06.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.172 of 2025

N.Swaminathan

... Petitioner

Vs.

1. The Commissioner,
Kumbakonam Corporation,
Thanjavur District.

2. The District Collector,
Thanjavur,
Thanjavur District.

3. The Member Secretary,
District Town and Country Planning Office,
Thanjavur District.

4. The Joint Director,
Town and Country Planning Department
(Planning Office),
Medical College Road,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents No.1 to 4 to grant permission for demolishing the dilapidated old building in the petitioner's property situated at S.No.230/3A2 at Dharasupuram Village, Kumbakonam, Thanjavur District by considering the petitioner's representation dated 20.12.2024.



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For Petitioner : Mr.K.Dinesh

For R-1 : Mr.B.Jameel Arasu
Standing Counsel

For R-2 to R-4 : Mr.T.Amjadkhan
Government Advocate

ORDER

Mr.P.Jameel Arasu,, learned Standing Counsel takes notice for the first respondent and Mr.T.Amjad Khan, learned Government Advocate takes notice for the respondents No.2 to 4. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ petition is filed to direct the respondents No.1 to 4 to grant permission for demolishing the dilapidated old building in the petitioner's property situated at S.No.230/3A2 at Dharasupuram Village, Kumbakonam, Thanjavur District, by considering the petitioner's representation dated 20.12.2024.

3. Heard the learned counsel on either side and carefully perused the entire materials available on record.



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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 respondent 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 made to the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 20.12.2024 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.172 of 2025

Dated
06.01.2025