



W.P.(MD)No.636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.636 of 2025

and

W.M.P.(MD)No.423 of 2025

S.M.John Britto

: Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Revenue Divisional Officer,
Madurai West,
Madurai.



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4.The Executive Engineer,
TANGEDCO,
Arasaradi, Madurai.

6.The Assistant Engineer,
TANGEDCO,
Gnanaoilipuram,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to remove the construction put up in the northern side road margin of Visuvasapuram 2nd Street, Gnanaoilipuram, Madurai – 625 016, by considering the petitioner's representation dated 23.12.2024.

For Petitioner : Ms.M.Rajeswari

For Respondents 1, 3 & 4 : Mr.P.Thilak Kumar
Government Pleader

For Respondent No.2 : Mr.K.Manisekaran
Standing Counsel

For Respondents 5 & 6 : Mr.S.Deenadhayalan
Standing Counsel



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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 to remove the construction put up in the northern side road margin of Visuvasapuram 2nd Street, Gnanaoilipuram, Madurai – 625 016, by considering the petitioner's representation dated 23.12.2024.

3.The petitioner herein had given a representation to the respondents on 23.12.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

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 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



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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.

5.In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 23.12.2024, on its own merits and pass appropriate orders in accordance with law, 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.

6.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.]

09.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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