



WP(MD). No.2378 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

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

WP(MD). No.2378 of 2025

P. Ramu

... Petitioner

Vs

**1. The Commissioner,
Tenkasi Municipality,
Tenkasi.**

2. V.Palani

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the 1st respondent to take action against the unahorized construction put up by the 2nd respondent in Door No.1, Nadumathankoil Street, Ward C, Block No.21, Town S.No.58 of Tenkasi Town, in accordance with law, within the time limit prescribed by this Court.

For Petitioner : Mr.V.Sasikumar



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ORDER

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

Since no adverse orders are going to be passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

2. The petitioner has filed this writ petition for a mandamus to direct the 1st respondent to take action against the unauthorized construction put up by the 2nd respondent in Door No.1, Nadumathankoil Street, Ward C, Block No.21, Town S.No.58 of Tenkasi Town, in accordance with law.

3. In order to take action against the unauthorized construction made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 22.02.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



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5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 1st respondent to consider the petitioner's representation dated 22.02.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent as well as all other persons, who may be interested in the subject matter, within a period of three 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 1st respondent to consider the same on its own merits.



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WEB COPY 7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No
Index : Yes/No
RR



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AND
A.D.MARIA CLETE, J.

RR

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