



W.P.(MD)No.1505 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1505 of 2025

and

W.M.P.(MD)No.1093 of 2025

B.Kannan

: Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.

2.The Assistant Director (Panchayat),
Rural Development and Panchayat Raj,
Tiruchirappalli.

3.The District Collector / Inspector of Panchayat,
Collectorate,
Tiruchirappalli District.



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4. The Block Development Officer,
Koothur Panchayat Union,
Manachanallur,
Tiruchirappalli District.

5. The Executive Officer / The President of Koothur Panchayat,
Koothur Panchayat,
Mannachanallur Taluk,
Tiruchirappalli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to take the following actions:

I. To relocate the eastern side proposed drainage construction project (from the residence of Jinnah @ Masthan Ali to the Panchayat Union Middle School in Ward No.5) to a safer location,

II. To direct the Panchayat to clean and maintain existing drainage systems in the southern side of Ward No.5, ensuring the systems extend to proper endpoints.

III. To direct the Panchayat to cover the drainage systems on the northern side of Ward No.5 with concrete and ensure proper maintenance to prevent accidents and ensure public safety.



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For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents 1 to 4 : Mr.P.Thilak Kumar

Government Pleader

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 take the following actions:

I. To relocate the eastern side proposed drainage construction project (from the residence of Jinnah @ Masthan Ali to the Panchayat Union Middle School in Ward No.5) to a safer location,

II. To direct the Panchayat to clean and maintain existing drainage systems in the southern side of Ward No.5, ensuring the systems extend to proper endpoints.

III. To direct the Panchayat to cover the drainage systems on the northern side of Ward No.5 with concrete and ensure proper maintenance to prevent accidents and ensure public safety.



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3.The petitioner herein had given representation to the official respondents on 18.07.2024, 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 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 respondents to consider the petitioner's representation dated 18.07.2024, 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.

<https://www.mhc.tn.gov.in/judis>



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6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

21.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

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ORDER MADE IN

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