



WP(MD). No.1203 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.01.2025

CORAM

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

WP(MD). No.1203 of 2025

R. Mayilsamy

... Petitioner

Vs

1. The Director of Municipal Administration,
No.75, Urban Administrative Buildings,
Santhome High Road, Mrc Nagar, Chennai 28.

2. The District Collector / Chairperson,
High Level Monitoring Committee,
Collectorate Building, Madurai 625 020..

3. The Commissioner / Member- Convener,
High Level Monitoring Committee,
Madurai City Municipal Corporation,
Aringar Anna Maligai, Thallakulam,
Madurai 625 002.

4. The Member Secretary / the Assistant Director,
Town Planning Country, Sector 6, Anaiyur,
Koodalpudur - Anaiyur,
Madurai 625 017.

5. The Executive Engineer (Planning),
Madurai City Municipal Corporation,
Aringar Anna Maligai, Thallakulam, Madurai 625 002.

1/6



WP(MD). No.1203 of 2025

6. The Assistant Commissioner,
Zone-2 (North),
Madurai City Corporation,
K.Pudhur,
Madurai 625007.

7. Saravanan,
Saravana Multi Speciality Hospital,
Door No.7-A, Maruthu Pandiyar Nagar
4th Main Road, Ward No.26, Zone 2 (North),
Madurai City 625 002.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents No.1 to 6 herein to take appropriate action against the unauthorized construction and building violation made by the 7th 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 17.08.2023.

For Petitioner : Mr.J.M.Arvind Pawlraj
For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 and R2
Mrs.S.Devasena for R3,R4 and R6

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



WP(MD). No.1203 of 2025

2. Since no adverse orders are going to be passed against the 7th respondent, notice to the 7th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.1 to 6 herein to take appropriate action against the unauthorized construction and building violation made by the 7th 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 17.08.2023.

4. In order to take appropriate action against the unauthorized construction, the petitioner has given a representation to the official respondents on 17.08.2023. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

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



WP(MD). No.1203 of 2025

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 3rd respondent herein to consider the petitioner's representation dated 17.08.2023, 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 concerned respondents to consider the same on its own merits.



WP(MD). No.1203 of 2025

WEB COPY

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

No costs.

[M.S.R.,J]

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

20.01.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The Director of Municipal Administration,
No.75, Urban Administrative Buildings,
Santhom High Road,
Mrc Nagar,
Chennai 28.

2. The District Collector / Chairperson,
High Level Monitoring Committee,
Collectorate Building, Madurai 625 020..



WP(MD). No.1203 of 2025

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
WP(MD) No.1203 of 2025

Date : 20.01.2025