



W.P.(MD)No.1142 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1142 of 2025

and

W.M.P.(MD)No.770 of 2025

S.Lakshmanan

: Petitioner

Vs.

1.The Director of Town & Country Planning,
Office of Directorate of Town and Country Planning,
2nd, 3rd & 4th Floors, E & C Market Road,
Koyambedu,
Chennai – 600 107.

2.The Deputy Director of Town,
Directorate of Town & Country Planning,
No.4, Hakkim Ajmalkhan Road,
Chinnachokikulam Road,
Madurai – 2.



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3.The Block Development Officer,
East Panchayat Union,
Madurai,
Madurai District.

4.The Panchayat President,
Thirumohoor Panjayath,
Madurai District.

5.Rajendran

6.Sakthivel

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 1 to 4 herein from allowing the constructions, by the fifth and sixth respondents without getting proper approval from the concerned authority in the petitioner forefather property in S.No.29/1 and 29/2 in an extent of 0.6.00 Hec (15 Cents) in Thirumohoor Village, Madurai East, Madurai District under the contemplated provisions of the Tamil Nadu Town and Country Planning Act, 1971 within a time frame fixed by Court.



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For Petitioner : Mr.V.Manikandan
For Respondents 1 to 4 : Mr.S.Shaji Bino,
Special 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 forbear the respondents 1 to 4 herein from allowing the construction by the fifth and sixth respondents without getting proper approval from the concerned authority in the petitioner's forefather's property in S.No.29/1 and 29/2 in an extent of 0.6.00 Hec (15 Cents) in Thirumohoor Village, Madurai East, Madurai District, under the contemplated provisions of the Tamil Nadu Town and Country Planning Act, 1971.

3.Since this Court is directing the respondents 1 to 4 to consider the petitioner's representations, after giving due opportunity to



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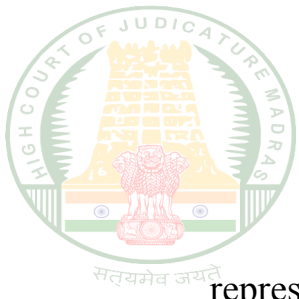
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the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given a representation to the official respondents on 18.12.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

5.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.

6.In the light of the above observations, there shall be a direction to the respondents 1 to 4 to consider the petitioners'



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representation dated 18.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 5 & 6, as well as all other persons, who may be interested in the subject property, 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.

7. 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.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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