



W.P.(MD).No.1408 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.1408 of 2025

S.Sekar

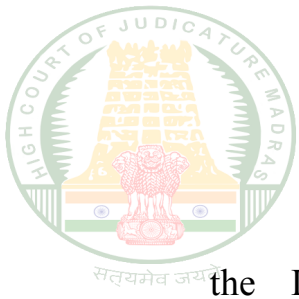
... Petitioner

-VS-

- 1.The Member Secretary,
Local Planning Authority,
Door No.14, Vivekananda Nagar,
Dindigul.
- 2.The Assistant Director,
District Town Planning Office,
Door No.14, Vivekananda Nagar,
Dindigul.
- 3.The Block Development Officer,
Panchayat Union,
Dindigul.
- 4.The Divisional Engineer,
Highways (Construction and
Maintenance) Department,
Pandian Nagar,
Nehruji Nagar,
Dindigul – 624 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to



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the Impugned order passed by the 1st Respondent in Na.Ka.No. 3182/2018/T.L.P.A. dated 14.09.2018 and quash the same as illegal and consequently direct the Respondents 1 and 3 to regularize the petitioner's housing plot bearing No.11 comprised in Survey no.617/1A1B, for an extent of 2511 Sq.ft situated at Thottanuthu Village, Dindigul East Taluk, Dindigul District as per the application submitted by the petitioner dated 16.08.2018 within a time frame that may be Stipulated by this Court .

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.K.S.Selva Ganesan,
Addl. Govt. Pleader (R1, R2 & R4)
Mr.P.Thambidurai,
Govt. Advocate (R3)

ORDER

This writ petition has been filed challenging the impugned order passed by the 1st Respondent in Na.Ka.No.3182/2018/T.L.P.A. Dated 14.09.2018 with a consequential direction to the respondents 1 and 3 to regularize the petitioner's housing plot bearing No.11 comprised in Survey no.617/1A1B, measuring to an extent of 2511 Sq.ft., situated at Thottanuthu Village, Dindigul East Taluk, Dindigul District as per the application submitted by the petitioner dated 16.08.2018 within a time frame that may be Stipulated by this Court.



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2. It is the case of the petitioner that he purchased the subject property vide registered sale deed and it has been approved by the concerned authority and the petitioner was also issued with patta. The petitioner is in peaceful possession and enjoyment of the same since 1996. While being so, the Government, in order to regularize the unapproved plots issued the Government order in GO.Ms.No.78, Housing and Urban Development Department, dated 04.05.2017. The petitioner has also applied for the same. However, the first respondent rejected the application of the petitioner vide impugned order stating that there is a proposal for Thottanuthu Scheme road passing through the petitioner's land. Since there is no progress for the past six years for initiation of the aforesaid scheme road, the petitioner made representations dated 29.08.2024 and 21.10.2024. However, the same have not been considered and hence, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submits that though larger relief has been sought for by the petitioner, now, the petitioner confines his prayer that it would suffice if the representations of the petitioner are disposed of in accordance with law.



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4. Heard the learned counsel on both sides and perused the materials placed before this Court.

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 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 second respondent to forward the petitioner's representations to the third respondent and the third respondent, in turn, shall consider the petitioner's representations dated 29.08.2024 and 21.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its



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views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
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