



W.P.(MD).No.1665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.01.2025

CORAM

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

W.P.(MD).No.1665 of 2025

Janakiraman

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
Anna Salai,
Chennai - 600 002.

2.The District Collector,
Karur District,
Karur.

3.The Assistant Director,
Town and Country Planning,
Karur.

4.The Commissioner,
Kulithalai Municipality,
Kulithalai,
Karur District.

5.The Assistant Engineer, (TNEB),
Kulithalai Municipality,
Kulithalai,
Karur District.

6.Karthikeyan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4, particularly the respondents 2 and 4 to take action and remove the unauthorized construction made by the 6th respondent at Town Survey No.40, Vaigainallur North Village, Ward-C, Block-31, Kulithalai, Kulithalai Taluk, Karur District by considering the petitioner's representations dated 18.11.2024 and 31.12.2024 respectively.

For Petitioner : Mr.R.Murugappan
For R-1 to R-3 : Mr.P.Thilak Kumar
Government Pleader
For R-4 : Mr.A.N.Ramanathan
Standing Counsel
For R-5 : Mr.S.Deenadhayalan

ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the respondents 1 to 4, particularly the respondents 2 and 4 to take action and remove the unauthorized construction made by the sixth respondent at Town Survey No.40, Vaigainallur North Village, Ward-C, Block-31, Kulithalai, Kulithalai Taluk, Karur District by considering the petitioner's representations dated 18.11.2024 and 31.12.2024 respectively.



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3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the respondents 2 and 4 on 31.12.2024 to remove the unauthorized construction made by the sixth respondent at Town Survey No.40, Vaigainallur North Village, Ward-C, Block-31, Kulithalai, Kulithalai Taluk, Karur District. 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 fourth respondent herein to consider the petitioner's representation dated



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31.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent herein, as well as all other persons, who may be interested in the subject matter, 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, the Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
22.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
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