



W.P.(MD)No.1886 of 2025

WEB COPY

DATED: 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1886 of 2025

and

W.M.P.(MD)Nos.1347 of 2025

1.Shanmugalakshmi

2.Rajendran

3.D.Vadivelrajan

4.V.Vasuki

5.Maria Joseph Gnanaraj.R

6.G.Sundaram

: Petitioners

Vs.

1.The District / Chairperson,
High Level Monitoring Committee,
Municipal Administration and
Water Supply (MA.1) Department,
Virudhunagar District.

2.The District Collector,
Virudhunagar District,
Virudhunagar.



W.P.(MD)No.1886 of 2025

WEB COPY

3.The Deputy Director,
Town and Country Planning,
District Town and Country Planning Authority,
B70, Tamil Nadu Housing Board,
Madurai Road, Chaththireddiapatti,
Virudhunagar – 626 001.

4.The Assistant Director,
District Town and Country Planning,
B70, Tamil Nadu Housing Board,
Madurai Road, Chaththireddiapatti,
Virudhunagar – 626 001.

5.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi, Virudhunagar District.

6.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

7.The Tahsildar,
Virudhunagar District,
Sivakasi Taluk.



W.P.(MD)No.1886 of 2025

8.The Block Development Officer,
BDO (Block Panchayat), Sivakasi,
Virudhunagar.

9.Sivakasi Panchayat Union,
Rep. by its President,
Devarkulam Panchayat, Virudhunagar.

10.Kammavar Marriage Hall,
Rep. by its President,
2/598, Bharathi Nagar,
Reserve Line, Satchiyapuram,
Sivakasi West – 626 124,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 9 to take immediate legal action against the illegal, unauthorized development made in the form of construction of the Marriage hall, run in the name of the “Kammavar Community Hall” by the 10th respondent in Plot No.26, bearing Old Survey number S.No.829/1, 830 & 831/1 (New Sub Div Survey number being No.831/23) assigned with Door No.



W.P.(MD)No.1886 of 2025

2/598, Devarkulam including removal of the unauthorized development, viz., the superstructure in light of our representation dated 28.11.2024 within a reasonable time to be determined by this Court.

For Petitioner : Mr.N.Dilipkumar

For Respondents 1 to 4, 6 to 8 : Mr.J.Ashok

Additional 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 1 to 9 to take immediate legal action against the illegal, unauthorized development made in the form of construction of the Marriage hall, run in the name of the “Kammavar Community Hall” by the 10th respondent in Plot No.26, bearing Old Survey number S.No. 829/1, 830 & 831/1 (New Sub Div Survey number being No.831/23) assigned with Door No.2/598, Devarkulam, including removal of the unauthorized development, viz., the superstructure in light of our representation dated 28.11.2024.



W.P.(MD)No.1886 of 2025

WEB COPY

3.Since this Court is directing the respondents 1 to 9 to consider the petitioners' representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

4.The petitioners herein had given representation to the official respondents on 28.11.2024, for removal of the alleged encroachment. 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.



W.P.(MD)No.1886 of 2025

WEB COPY

6.In the light of the above observations, there shall be a direction to the respondents 1 to 9 to consider the petitioners' representation dated 28.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners herein and the tenth respondent, 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.]

23.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



W.P.(MD)No.1886 of 2025

WEB COPY

To

- 1.The District / Chairperson,
High Level Monitoring Committee,
Municipal Administration and
Water Supply (MA.1) Department,
Virudhunagar District.
- 2.The District Collector,
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W.P.(MD)No.1886 of 2025

WEB COPY

- 5.The Commissioner,
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Sivakasi, Virudhunagar District.
- 6.The Revenue Divisional Officer,
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- 7.The Tahsildar,
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- 8.The Block Development Officer,
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Devarkulam Panchayat, Virudhunagar.



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W.P.(MD)No.1886 of 2025

M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

W.P.(MD)No.1886 of 2025

23.01.2025