



WP(MD). No.1917 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM

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

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R.Mayilsamy

... Petitioner

v.

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

2. The District Collector,
Collectorate Building,
Dindigul District,
Dindigul 4.

3. The Deputy Director,
District Town and Country Planning Office,
Door No.14, Viveganantha Nagar,
Dindigul District..

4. The Executive Officer,
Batlagundu Town Panchayat,
Nilakkottai Taluk,
Dindigul District..



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5. The Authorized Person,
Kasi Speciality Hospital
No.9, 3-33, Opposite to Mahalakshmi Girls Higher
Secondary School, Batlangundu Town Panchayat,
Nilakkottai Taluk,
Dindigul District

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents Nos.1 to 4 herein to lock and seal and remove / demolish the unauthorized construction and building violation made by the 5th respondent Hospital under the provisions of the Tamilnadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 19.12.2024.

For Petitioner : Mr.J.M.Arvind Pawlraj
For Respondents : Mr.P.Thilak Kumar for R1 to R3
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. Since no adverse orders are going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.



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3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos.1 to 4 herein to lock and seal and remove / demolish the unauthorized construction and building violation made by the 5th 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 19.12.2024.

4. In order to take necessary action against the unauthorized construction, the petitioner has given a representation to the official respondents on 19.12.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this 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 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



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of the India and direct them to consider the same within a stipulated time.

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6. In the light of the above observations, there shall be a direction to the 4th respondent herein to consider the petitioner's representation/application dated 19.12.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th 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.

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

No costs.

[M.S.R.,J]

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

24.01.2025

NCC : Yes/No

Index : Yes/No

RR



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