



WP(MD). No.2219 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

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

WP(MD). No.2219 of 2025

S.Ilangovan

... Petitioner

Vs

**1. The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Madurai 625 002.**

2. Guruvammal

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 1st respondent herein to remove the encroachment made in S.No. 8/8A1, Melamadaï II Bit, Madurai on the basis of the proceedings of the 1st respondent Na.Ka.No. Mathi 2/19389/2021 accordingly in the manner known to law within a time stipulated by this Court.

For Petitioner : Mr.Baburajendran

For Respondents : Mr.Sivabalan for R1



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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 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the 1st respondent herein to remove the encroachment made in S.No. 8/8A1, Melamadai II Bit, Madurai on the basis of the proceedings of the 1st respondent Na.Ka.No. Mathi 2/19389/2021 accordingly in the manner known to law within a time stipulated by this Court.

4. In order to take remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 25.11.2024. Since the said representation has not been considered so far, the petitioner is before this



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Court with this petition.

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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 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 1st respondent to consider the petitioner's representation dated 25.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private 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



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to the concerned respondents to consider the same on its own merits.

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

No costs.

[M.S.R.,J]

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

28.01.2025

NCC : Yes/No

Index : Yes/No

RR

To

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Madurai Corporation,
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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 28.01.2025