



W.P.(MD)No.2181 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2181 of 2025

S.Nallamohammed

: Petitioner

Vs.

1. The District Collector,
Tiruchirappalli.

2. The Commissioner,
Municipal Corporation,
Tiruchirappalli.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to grant permission to build the illegally demolished compound wall lying on the east of the petitioner property situated at Trichy District, Trichy Taluk, Manikandam Panchayat Union, Pattiyur Town, Panchayat limits (now Trichy City Corporation) Edamalaipattipudur Village S.No. 201/1 (201A - New S.No. 70/1A) measuring to an total extend of 3036 sq.ft and to safeguard the petitioner rights, peaceful possession and enjoyment over the property and to protect the safety of nearby residents by considering the petitioner representation dated 03.07.2024.



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For Petitioners : Mr.D.Baskar

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader
for R1

Mr.Sri Prasad
for M/s.R.B.Law Associates for R2

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to grant permission to the petitioner to build a compound wall lying east of his property situated in Survey No. 201/1 (201A - New S.No.70/1A), Edamalaipattipudur Village, Manikandam Panchayat Union, Pattiyur Town, Trichy District, by considering his representation dated 03.07.2024.

2. The petitioner claims that he purchased the aforesaid property and that a compound wall, existing for over 50 years, was demolished on the grounds that it was designated for Adi-Dravida people. In response, the petitioner submitted a representation to the respondents 1 and 2, seeking permission to construct a new wall. However, since no action has been taken, the petitioner has now filed the



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present Writ Petition.

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3. Heard both sides.

4. 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.

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 03.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this



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order. It is also 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 respondents 1 and 2 to consider the same on its own merits.

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

07.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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VIVEK KUMAR SINGH, J.

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