



WP(MD). No.2361 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

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

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R. Mayilsamy

... Petitioner

Vs

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

2. The District Collector / Monitoring Committee,
Collectorate Building,
Madurai District,
Madurai.

3. The Member Secretary / The,Assistant Director,
Town Planning Country,
Sector 6, Anaiyur,
Koodalpudur - Anaiyur,
Madurai 625 017.

4. The Assistant Director of Town Panchayat,
Madurai Region,
Madurai Collectorate Buildings,
Madurai 625 020.



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5. The Executive Officer,
Paravai Town Panchayat,
Madurai North Taluk,
Madurai District.

6. A.Jesu Amalraj

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents no. 1 to 5 herein to Lock and Seal and demolished the unauthorized construction and building violation made by the 6th respondents marriage hall under the provisions of the Tamil Nadu Town and Country Planning Act 1971 on the basis of the representation of the petitioner dated 24.05.2024.

For Petitioner : Mr.J.M.Arvind Pawlraj

For Respondents : Mr.P.Thilak Kumar for R1 to R5

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 6th respondent, notice to the 6th 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 5 herein to Lock and Seal and demolished the unauthorized construction and building violation made by the 6th respondent marriage hall under the provisions of the Tamil Nadu Town and Country Planning Act 1971 on the basis of the representation of the petitioner dated 24.05.2024.

4. In order to take necessary action to demolish the unauthorized construction, the petitioner has given a representation to the official respondents on 24.05.2024. 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 respondents 1 to 5 to consider the petitioner's representation dated 24.05.2024 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 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]

28.01.2025

NCC : Yes/No

Index : Yes/No

RR



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