



W.P.(MD).No.2371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.01.2025

CORAM

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

W.P.(MD).No.2371 of 2025
and
W.M.P.(MD).No.1672 of 2025

A.Sekar

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Chief Engineer,
State Ground and Surface Water Resources Data Centre,
Tharamani,
Chennai.
- 3.The District Revenue Officer,
Rameswaram,
Ramanathapuram District.
- 4.The Revenue Divisional Officer,
Rameswaram,
Ramanathapuram.
- 5.The Block Development Officer,
Mandapam Panchayat Union,
Uchipuli,
Ramanathapuram District.



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6.Mariya Santhana

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the official respondent Nos.1 to 5 to take action against the illegal construction of Ice Plant by the 6th respondent in Survey No.656/1A1B, Akkal Madam, Pamban, Rameswaram, Ramanathapuram without getting proper permission for the 2nd respondent in accordance with G.O.Ms.No.142 dated 23.07.2014 by considering the petitioner's representation dated 29.11.2024 and pass appropriate orders on merits and in accordance with law within a period stipulated time by this Court.

For Petitioner : Mr.M.Jerin Mathew

For R-1 to R-5 : Mr.P.Thilak Kumar

Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for a Mandamus, directing the official respondents 1 to 5 to take action against the illegal construction of Ice Plant by the 6th respondent in Survey No.656/1A1B, Akkal Madam, Pamban, Rameswaram, Ramanathapuram without getting proper permission for the 2nd respondent in accordance with G.O.Ms.No.142 dated 23.07.2014 by considering the petitioner's representation dated 29.11.2024 and pass



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appropriate orders on merits and in accordance with law within a period stipulated time by this Court.

3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 29.11.2024 to take action against the illegal construction of Ice Plant by the sixth respondent in Survey No.656/1A1B, Akkal Madam, Pamban, Rameswaram, Ramanathapuram. 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.



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6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 29.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent herein, as well as all other persons, who may be interested in the subject matter, 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, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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