



W.P.(MD)No.6568 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6568 of 2025

M.K.Ashok Kumar

... Petitioner

-VS-

1.The District Collector/Monitoring Committee,
Madurai District.

2.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

3.The Assistant Commissioner,
Zone - 3, Central,
Madurai City Municipal Corporation,
Madurai.

4.Premchand

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to initiate appropriate action against the dilapidated building in Door No.128/46, East Avani Moola Street, Madurai, in Old Town Survey No.1097, New Town Survey No. 1097/2, owned by the fourth respondent and to demolish the same with necessary protection forthwith invoking Sections 136 and 137 of Tamil Nadu Urban Local Bodies Act, 1998 within the time frame stipulated by this Court.



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For Petitioner : Mr.J.Barathan
For R1 : Mr.C.Venkateshkumar
Special Government Pleader
For R2 and R3 : Mr.K.Sivabalan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 3 to initiate appropriate action against the dilapidated building in Door No. 128/46, East Avani Moola Street, Madurai, in Old Town Survey No.1097, New Town Survey No.1097/2, owned by the fourth respondent and to demolish the same with necessary protection forthwith invoking Sections 136 and 137 of Tamil Nadu Urban Local Bodies Act, 1998

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

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



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4. Alleging that the building owned by the fourth respondent, located right next to the petitioner's house, is more than 120 years old and in a dilapidated condition, the petitioner submitted a representation dated 16.01.2025 to the second respondent. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

5. Heard the learned counsel appearing for the parties.

6. 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.

7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated



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16.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth 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 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 second respondent to consider the same on its own merits.

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

NCC : Yes / No
Index : Yes / No
smn2

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To:-

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3. The Assistant Commissioner,
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VIVEK KUMAR SINGH, J.

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