



W.P.(MD)No.4541 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4541 of 2025

V.Vijayan

... Petitioner

-VS-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Office of the Tahsildhar,
Sattur Taluk,
Virudhunagar District.

3.The Block Development Officer,
Office of the Block Development Officer,
Sattur Town, Virudhunagar District.

4.V.Boobalan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.01.2025 and consequently, direct the respondents 1 to 3 to give permission to the petitioner to demolish the entire physical structures of the building situated in Survey No.626/2E to an extent of 1800 sq.ft at Door No. 1/195, Mettamalai Village, Sattur Taluk, Virudhunagar District.



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For Petitioner : Mr.C.M.Arumugam
For R1 and R2 : Mr.C.Venkateshkumar
Special Government Pleader
For R3 : Mr.J.K.Jayaselan
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 20.01.2025 and consequently, direct the respondents 1 to 3 to give permission to the petitioner to demolish the entire physical structures of the building, situated in Survey No.626/2E to an extent of 1800 sq.ft at Door No.1/195, Mettamalai Village, Sattur Taluk, Virudhunagar District.

2. With the consent of both sides, 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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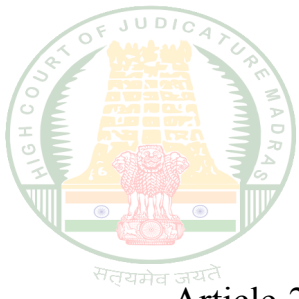
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4. According to the petitioner, his mother purchased the property in 1983.

On 30.10.2024, the petitioner's mother executed a registered gift settlement deed in favour of the petitioner. Since the tiled house in the property is in a dilapidated condition, the petitioner decided to demolish it and construct a new building. However, the fourth respondent, who is the petitioner's brother, along with his wife, raised objections and threatened the petitioner not to demolish the building. Hence, the petitioner submitted a representation on 20.01.2025 to respondents 1 to 3. Since no action has been taken, 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



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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 third respondent herein to consider the petitioner's representation dated 20.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth respondent herein, 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 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 third 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
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VIVEK KUMAR SINGH, J.

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