



W.P.(MD)No.5386 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5386 of 2025

V.Kathiresan

... Petitioner

-VS-

The Commissioner,
Industries and Commerce Department,
SIDCO Corporate Office Building,
Thiru V Ka. Industrial Buildings,
Guindy, Chennai - 600 032.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and pass orders in the representation dated 28.08.2023, within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.C.Venkateshkumar
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking a direction to the respondent to consider and pass orders on the petitioner's representation dated 28.08.2023.

2. The learned counsel for the petitioner submits that the petitioner was elected Vice President of the Madurai Auto Mobile Co-operative Industrial Estate in 2018 and continues to serve in the said capacity. In 2017, the then-President, Ravichandran along with the current the President Ramasay and the then-Secretary, Kannappan, in connivance with other office bearers, misused their official positions to illegally allot industrial plots to vested persons by creating forged documents, without obtaining permission from the respondent.

3. The learned counsel for the petitioner further submits that after the allotments were made in 2007, no sub-committee was formed and re-allotments of industrial plots continued illegally between 2008-2015 through unregistered documents. This was done by the then-Secretary and other individuals for illegal enrichment and the re-allotment process violated the bye-laws of the society. On coming to know about the same, the petitioner sent representations to the



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respondent on 17.04.2021, 20.07.2023 and 28.08.2023, requesting action to cancel the illegal re-allotments. Despite receiving the petitioner's representations, the respondent has failed to take any action, neglecting their statutory duty to investigate and address the issue. As no prompt or tangible action has been taken by the respondent, the petitioner has approached this Court seeking a direction to the respondent to take appropriate action on the petitioner's representations.

4. The learned Special Government Pleader appearing for the respondent submits that the writ petition ought to have been dismissed on the ground of delay and laches. The petitioner, having approached this Court belatedly, is guilty of sitting on his rights for a considerable period of time. It is well-established that delay defeats equity and the writ courts, exercising discretionary powers under Article 226 of the Constitution of India, may refuse to intervene if the applicant has allowed the cause of action to lapse due to inaction or laxity.

5. In support of his submissions, the learned Special Government Pleader relied on the decision of the Hon'ble Supreme Court in the case of **Mrinmoy Maity vs. Chhanda Koley and others** reported in **2024 LiveLaw (SC) 318** [Civil Appeal No.5027 of 2024, dated 18.04.2024].



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6. Heard both sides.

7. In view of the above submissions and after careful consideration of the facts and circumstances of the case, this Court is of the considered opinion that while the writ Court may exercise its extraordinary powers in appropriate circumstances, the delay must be satisfactorily explained to the Court's conscience. A reasonable period of time must be adhered to when invoking extraordinary jurisdiction. Even though no fixed limitation period applies to writ petitions, an applicant cannot revive a dead or lapsed cause of action merely by submitting representations.

8. Insofar as the present case is concerned, the petitioner has failed to provide satisfactory explanation for the delay in approaching this Court and the delay is substantial enough to have caused the cause of action to lapse. Therefore, this Writ Petition is dismissed on the grounds of delay and laches, as the petitioner has not acted with due diligence in asserting his rights. 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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