



W.P.(MD)No.6392 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6392 of 2025

U.Ravikumar

: Petitioner

Vs.

1. The Director,
Town and Country Planning Department,
Anayur Mudukkathan Main Road,
Sector VI,
Koodalpudur, Madurai.

2. The Member Secretary / Assistant Director, Town and Country
Planning Department,
Anayur Mudukkathan Main Road,
Sector VI,
Koodalpudur, Madurai.

3. Divisional Railway Manager,
O/o. Divisional Railway Manager,
DRM Complex,
Southern Railway,
Mappalyam,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to consider the online application preferred by the petitioner for issuance of



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No Objection Certificate (NOC) for construction to be made by the petitioner in the land to an extent of 1.13 Acres comprised in S. No. 440/2A, Sholavandan Village, Vadipatti Taluk, Madurai District in the light of NOC issued earlier on 31.01.1992 within the period that may be stipulated by this Hon'ble Court.

For Petitioners : Ms.H.Jasima Yasmin

M/s. Ajmal Associates

For Respondents : Mr.C.Venkatesh Kumar

Spl. Govt. Pleader for R1 and R2

Mr.B.Rajesh Saravanan for R3

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to issue a “No Objection Certificate (NOC)” to put up a construction in the petitioner's land in Survey No.440/2A, Sholavandan Village, Vadipatti Taluk, Madurai District, in the light of NOC issued earlier on 31.01.1992.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner asserts that he submitted an application to respondents 1 and 2, seeking approval for the layout of the aforementioned land, which is located within 30 meters of the railway track boundary. The petitioner's grievance is that, despite providing all the required documents, the third respondent has been delaying the issuance of the NOC. The petitioner further states that the third respondent had previously issued an NOC to him on 31.01.1992. In this regard, the petitioner has also sent several reminders, but the same were not addressed till date. Left with no other recourse, the petitioner has filed the present writ petition.

4. 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 India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's online application dated 23.09.2024 in line with the earlier NOC issued to him and pass appropriate orders solely on its own merits and in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of six 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 second respondent to consider the same on its own merits.

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

11.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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