



W.P.(MD)No.7435 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7435 of 2025

and

W.M.P.(MD)No.5590 of 2025

Bala Ganesan

... Petitioner

-VS-

The Commissioner,
Municipal Corporation, Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refrain from constructing a new bus shelter in front of the petitioner's property situated at Kattayan Vilai, Parvathipuram, Ward A, Vadasery West, Agastheeswaram Taluk, Kanyakumari District, in Old Survey Number A1/18-6 and to consider relocating the proposed bus shelter to a suitable alternative location such as the nearby Government - owned Electricity Board Land in light of the petitioner's representation dated 29.01.2025, within a stipulated time frame to be fixed by this Court.

For Petitioner : Mr.Ananth

For Respondent : Mr.F.Deepak
Standing Counsel



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ORDER

This Writ Petition has been filed seeking a direction to the respondent to refrain from constructing a new bus shelter in front of the petitioner's property situated at Kattayan Vilai, Parvathipuram, Ward A, Vadasery West, Agastheeswaram Taluk, Kanyakumari District, in Old Survey Number A1/18-6 and to consider relocating the proposed bus shelter to a suitable alternative location such as the nearby Government - owned Electricity Board Land in light of the petitioner's representation dated 29.01.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. Seeking to prevent the construction of a new bus shelter in front of the petitioner's property and to have the proposed bus shelter relocated to a suitable alternative location, such as the nearby Government-owned Electricity Board land, the petitioner submitted a representation on 29.01.2025. Since no action has been taken on the representation so far, the petitioner has filed the present Writ Petition.



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4. Heard both sides.

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.

6. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's the representation dated 29.01.2025, on its own merits and pass appropriate orders 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 one month from the date of receipt of a copy of this order. In the interregnum, the respondent shall maintain status quo prevailing as on date. It is also made clear that this Court has not



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expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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19.03.2025

To:-

The Commissioner,
Municipal Corporation, Nagercoil,
Kanyakumari District.



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VIVEK KUMAR SINGH, J.

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