



W.P.(MD)No.7367 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.7367 of 2025

Solomon

... Petitioner

-VS-

1.The Joint Director,
District Town and Country Planning Authority,
District Town and Country Planning Office,
South Bypass Road, Tirunelveli.

2.The District Forest Officer,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to provide NOC to the petitioner to approve the unapproved layout situated in S.No.189/1A1, 189/1A2B Part admeasuring 5 Acres 9 Cents situated at Iraippuvari Village, Nanguneri Taluk, Tirunelveli District, based on the letter dated 24.12.2020 in Na.Ka.No. 5871/2020 TILIMA 3 sent by the first respondent and based on the petitioner's application dated 09.12.2020 and representation dated 15.02.2025.

For Petitioner

: Mr.T.Selvan



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For Respondents

: Mr.J.K.Jayaselan
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to provide NOC to the petitioner to approve the unapproved layout situated in S.No.189/1A1, 189/1A2B Part admeasuring 5 Acres 9 Cents, situated at Iraippuvari Village, Nanguneri Taluk, Tirunelveli District, based on the letter dated 24.12.2020, in Na.Ka.No.5871/2020 TILIMA 3, sent by the first respondent and based on the petitioner's application dated 09.12.2020 and representation dated 15.02.2025.

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

3. Seeking approval for the layout situated in the hill lands protection area, the petitioner submitted a representation to the second respondent on 09.12.2020, requesting an NOC. Since no action was taken to issue the NOC, the petitioner sent a reminder representation to the second respondent on 15.02.2025. However, no action has been taken so far. Hence, the present Writ Petition.



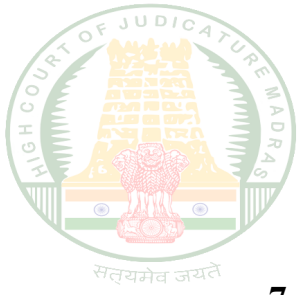
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4. Heard both sides.

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 second respondent herein to consider the petitioner's the representation dated 15.02.2025, 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. 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.



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

NCC : Yes / No
Index : Yes / No
smn2

19.03.2025

To:-

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VIVEK KUMAR SINGH, J.

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