

W.P.(MD)No.7922 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7922 of 2025

M.Peer Mohamed

: Petitioner

Vs.

1. The Commissioner of Municipal Administration
and Water Supply Department, Secretariat,
Chennai 600 009.

2. The Commissioner,
Nagercoil City Municipal Corporation,
Nagercoil.

3. The Commissioner,
Kulithurai Municipality,
Vetumani,
Marathandam.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to restore the water connection of the petitioner's property in Door No. 32-46/1 to 32-46/5 Kulasekaram Road, Kanyakumari District by considering the representation dated 14.03.2025 within a time stipulated by this Hon'ble Court.



W.P.(MD)No.7922 of 2025

WEB COPY

For Petitioner : Mr.H.Mohammed Imran
for M/s. Ajmal Associates

For Respondents : Mr.J.K.Jayaselan
Government Advocate for R1
Mr.F.Deepak
Standing Counsel for R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents to restore the water connection of the petitioner's property in Door Nos.32-46/1 to 32-46/5, Kulasekaram Road, Kanyakumari District, by considering his representation dated 14.03.2025.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The petitioner claims ownership of the land in new Survey No. D6/35, located at Kuzhithurai Town Village, along with the building situated at Door Nos. 32-46/1 to 32-46/5, which houses a textile shop.



W.P.(MD)No.7922 of 2025

WEB COPY

The petitioner's grievance is that the third respondent issued a demand notice on 03.03.2025, requesting payment of the property tax for the aforementioned properties. However, without providing any opportunity to the petitioner, the third respondent disconnected the water connection to the property on 12.03.2025 itself. In this regard, the petitioner submitted a representation to the respondents on 14.03.2025, requesting to restore the water connection. However, as no action has been taken, the petitioner has now filed this 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.



W.P.(MD)No.7922 of 2025

WEB COPY

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 14.03.2025, 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 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 respondents to consider the same on its own merits.

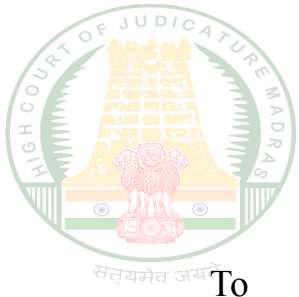
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

21.03.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.7922 of 2025

To

WEB COPY

1. The Commissioner of Municipal Administration
and Water Supply Department, Secretariat,
Chennai 600 009.

2. The Commissioner,
Nagercoil City Municipal Corporation,
Nagercoil.

3. The Commissioner,
Kulithurai Municipality,
Vetumani,
Marathandam.



WEB COPY



W.P.(MD)No.7922 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.7922 of 2025

21.03.2025