



W.P.(MD)No.8098 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8098 of 2025

S.Kathar

: Petitioner

Vs.

1. The Commissioner,
Madurai Municipal Corporation,
Anna Maaligai,
Madurai - 625 020.
Madurai District.

2. The Health Inspector (CHO),
Madurai Municipal Corporation,
Ward No.37, Zone-1,
Anna Maaligai,
Madurai - 625 020,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to accept and consider petitioner's representation cum license application dated 04.03.2025.



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For Petitioners : Mr.P.Bhaskar

For Respondents : Mr.P.Anbunidhi

Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents to accept and consider the petitioner's representation-cum-license application dated 04.03.2025.

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

3. The petitioner's case is that he obtained a license to keep construction materials in a godown initially for one year. Subsequently, the petitioner applied for a business license from the respondents on 27.02.2025, which was rejected on 11.03.2025. In this regard, the petitioner submitted a representation to the second respondent, requesting the issuance of the business license. However, since no action has been taken, the petitioner has now filed the present writ petition.



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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.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 04.03.2025, 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 second respondent to consider the same on its own merits.



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

24.03.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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