



W.P.(MD).No.8708 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8708 of 2025

P.Rajapandi

... Petitioner

-VS-

1. The Assistant Director,
District Town and Country Planning,
Theni District.

2. The President,
The.Meenaksipuram Panchayat,
Uthamapalayam Union,
Theni District.

3. Banumathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 25.01.2025 to cancel the layout approval obtained by the 3rd respondent insofar as his Plot No.19 in Survey No.256/7 situated at T.Meenakashipuram Village, Devaram Sub Registrar Office, Periyakulam, Theni District is concerned within the period that may be stipulated by this Court and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.



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W.P.(MD).No.8708 of 2025

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.C.Venkatesh Kumar (R1)
Special Government Pleader
Mr.A.Oli Raja (R2)
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation dated 25.01.2025 seeking to cancel the layout approval obtained by the 3rd respondent insofar as his Plot No.19 in Survey No.256/7 situated at T.Meenakashipuram Village, Devaram Sub Registrar Office, Periyakulam, Theni District is concerned, within the period that may be stipulated by this Court and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the third respondent is dispensed with.



W.P.(MD).No.8708 of 2025

WEB COPY

3. The petitioner purchased plot No.19 from the third respondent, who is the promoter of the plots situated in Survey No.256/7 situated at T.Meenakashipuram Village, Devaram Sub Registrar Office, Periyakulam, Theni District. Eversince purchase of the said plot, the petitioner is in possession and enjoyment of the same and he has obtained electricity service connection and is also paying the house tax. While this being so, the third respondent, without getting any permission, obtained layout approval for her plots situated at T.Meenakashipuram Village, Devaram Sub Registrar Office, Periyakulam, Theni District, including the petitioner's plot ie., Plot No.19. Therefore, the petitioner made a representation to the respondents dated 25.01.2025 seeking to cancel the said layout approval obtained by the 3rd respondent. Since the said representation was not considered, 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



W.P.(MD).No.8708 of 2025

WEB COPY

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 first respondent to consider the petitioner's representation dated 25.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the third respondent, 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 respondents to consider the same on its own merits.

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

01.04.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.8708 of 2025

WEB COPY

TO:-

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2. The President,
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Uthamapalayam Union,
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W.P.(MD).No.8708 of 2025

VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
01.04.2025