



W.P.(MD).No.8853 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.8853 of 2025
and
W.M.P.(MD)No.6627 of 2025

A.Abubakkar

... Petitioner

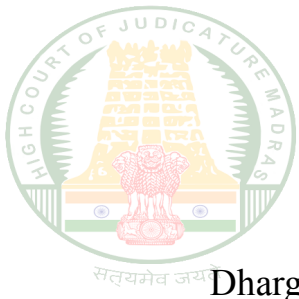
-vs-

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Inspector of Police,
B5, Therkku Vasal Police Station,
Madurai.

4. Murugesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 1st and 2nd respondents, herein from permitting the 4th respondent herein to demolish the building which is situated in T.S.No. 78/2B at Ward No. 52, South Masi Street, Madurai Town, Madurai and further direct the 1st and 2nd respondents herein to protect the petitioner's



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Dharga situated in T.S.No. 78/1B at Ward No. 52, South Masi Street, Madurai Town, Madurai based on his representation dated 19.03.2025.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.J.K.Jayaselan (R1)

Government Advocate

Mr.K.K.Kannan (R2)

Mr.K.Gnanasekaran (R3)

Government Advocate (Crl. side)

ORDER

This writ petition has been filed seeking to forbear the 1st and 2nd respondents, from permitting the 4th respondent to demolish the building, which is situated in T.S.No. 78/2B at Ward No. 52, South Masi Street, Madurai Town, Madurai and further to direct the 1st and 2nd respondents to protect the petitioner's Dharga situated in T.S.No. 78/1B at Ward No. 52, South Masi Street, Madurai Town, Madurai, based on his representation dated 19.03.2025.

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 fourth respondent is dispensed with.



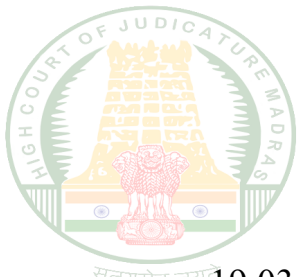
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3. The case of the petitioner is that the fourth respondent is trying to demolish his building, which is situated near the petitioner's dharga, without following the prescribed rules made and if it is being done so, the petitioner will be put to irreparable loss and hardship. Therefore, the petitioner made a representation to the respondents dated 19.03.2025 with regard to the same. 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 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



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19.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth respondent, as well as all other persons, who may be interested in the subject matter, within a period of eight 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. Consequently, connected miscellaneous petition is closed.

01.04.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.8853 of 2025

Dated:
01.04.2025