



W.P.(MD)No.9038 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9038 of 2025

N.Logapriya

... Petitioner

-VS-

1.The District Collector,
District Collector Office, Theni.

2.The Assistant Director of Town Panchayat,
Theni Region, Theni District.

3.The Executive Officer,
Andipatti Town Panchayats, Theni Region,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot a shop to petitioner in the cadre of 80 percentage physically challenged person on the basis of the resolution passed by the Town Panchayat Resolution No.132 and representation dated 12.03.2025, within a stipulated time by this Court.

For Petitioner : Mr.R.Rajaraman

For R1 and R2 : Mr.K.S.Selva Ganesan
Additional Government Pleader



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For R3

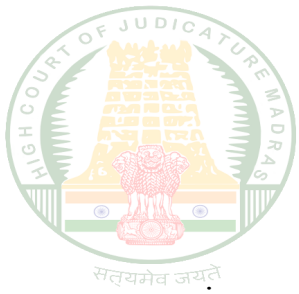
: Mr.V.Sasikumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to allot a shop to the petitioner in consideration of her status as an 80% physically challenged person, based on the Town Panchayat Resolution No.132 and her representation dated 12.03.2025.

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

3. The learned counsel for the petitioner submits that the petitioner, belonging to a penniless family, is 80% physically challenged and a spinster. She was allotted a vacant site for a petty shop on the western side of the Bus Stand based on Resolution No.132 passed on 17.12.2008 by the Andipatti Town Panchayat. From 2008 to 2023, she regularly paid the rent and electricity bills and cooperated fully with the authorities by vacating the shop for the construction of new shops. However, after completion of 18 new shops, the third respondent issued an auction notification on 04.04.2024 without considering the petitioner's



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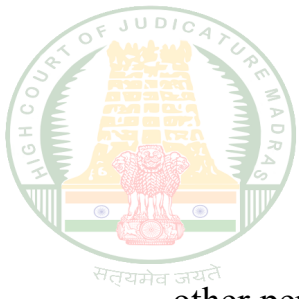
grievances and ignoring her representations dated 12.03.2025 and 17.03.2025.

Therefore, the petitioner has filed this Writ Petition seeking relief, as her legitimate claims and due process were overlooked.

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 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 third respondent herein to consider the petitioner's representations dated 12.03.2025 and 17.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all



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other persons, who may be interested in the subject matter, within a period of two months 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 third respondent to consider the same on its own merits.

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

NCC : Yes / No

02.04.2025

Index : Yes / No

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Note:- Issue order copy on 02.04.2025.

To:-

- 1.The District Collector,
District Collector Office, Theni.
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VIVEK KUMAR SINGH, J.

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