



W.P.(MD)No.10184 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10184 of 2025

N.Maria Robin

: Petitioner

Vs.

1. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2. The Joint Director/Member Secretary,
Tirunelveli Local Planning,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to grant further approval on the proceedings in Na.Ka.No. 2003/2021Tvlma3 dated 03.09.2021.

For Petitioner : Mr.S. Kumar

Fore Respondents: Mr.C.Venkatesh Kumar

Spl. Government Pleader for R2

Mr.M.Shivanu Pandi

Standing Counsel for R1



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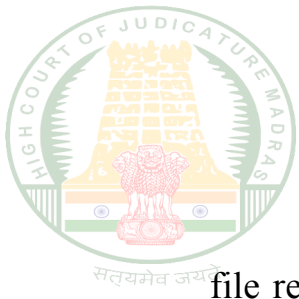
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ORDER

This Writ Petition has been filed seeking a direction to the the first respondent to grant further approval on the proceedings in Na.Ka.No.2003/2021Tvlma3 dated 03.09.2021.

2. Heard the learned counsel for the petitioner. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondent is dispensed with.

3.The petitioner claims to be the owner of a plot in Survey No.986/2, Kulavanigarpuram Village, measuring to an extent of 1837.90 square meters and states that he submitted an application before the second respondent, seeking permission to construct a multistoried residential building under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971. Pursuant to the said application, the second respondent granted permission vide proceedings dated 03.09.2021. Subsequently, the entire set of file documents was forwarded to the first respondent. The grievance of the petitioner is that, despite his efforts to obtain plan approval from the first respondent, he was informed that the



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file relating to his application had not been received. In this regard, the petitioner submitted a representation dated 06.12.2024 to the first respondent, highlighting that the period of validity granted by the second respondent is set to expire on 02.09.2026. However, since no action has been taken on the said representation, the petitioner has now approached this Court by filing 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 first respondent to consider the petitioner's representation dated 06.12.2024, on its own merits and pass appropriate orders in



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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 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 first respondent 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.

09.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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