



W.P.(MD)No.10911 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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Nanthinikumari

... Petitioner

-VS-

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Collectorate Office Campus,
Sivagangai District.

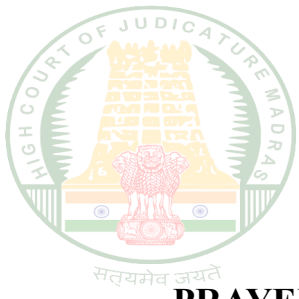
3.The Block Development Officer,
Sivagangai Panchayat Union,
Sivagangai District.

4.The District Health Officer,
Collectorate Office Campus,
Sivagangai District.

5.The Special Officer,
Vaniyankudi Village Panchayat,
Sivagangai District.

6.Thanislal

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 02.12.2024 and direct them to inspect septic tank constructed by the sixth respondent in his T.R.S. marriage hall and see to the distance between the septic tank constructed by the sixth respondent and bore-well of the petitioner which is laid down in her house and dismantle the septic tank, which is constructed by the sixth respondent illegally and high-handedly in gross violation of the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner	:	Mr.R.Vinoth Kumar
For R1 to R5	:	Mr.C.Venkatesh Kumar Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 5 to consider the petitioner's representation dated 02.12.2024 and to inspect the septic tank constructed by the sixth respondent in his T.R.S. Marriage Hall. The petitioner also requests the respondents to examine the distance between the septic tank constructed by the sixth respondent and the bore-well located in the petitioner's house. The petitioner further prays that the septic tank, which was constructed illegally and in a high-handed manner by the sixth respondent in gross violation of the Tamil Nadu Combined Development and Building Rules, 2019, be demolished.



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2. By consent, this Writ Petition is disposed of at the admission stage itself.

3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. Seeking to demolish the septic tank constructed by the sixth respondent in his T.R.S. Marriage Hall in a high-handed manner and in gross violation of the Tamil Nadu Combined Development and Building Rules, 2019, the petitioner submitted a representation dated 02.12.2024. However, the respondents have not considered her request. Hence, the petitioner has filed the present Writ Petition.

5. Heard both sides.

6. 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



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Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 02.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the sixth respondent herein, 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 third respondent to consider the same on its own merits.

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

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

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