



W.P.(MD)No.11339 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11339 of 2025

and WMP (MD) No.8428 of 2025

R.M.Valliyammal

: Petitioner

Vs.

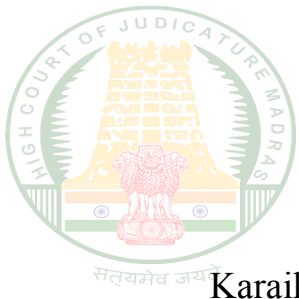
1. The Project Manager,
National Highways Authority of India
No.1, 2nd Floor,
Subramaniapuram
3rd Street, Karaikudi 630 002.

2. Amaravathiputhur Gram Panchayat,
Rep. by its Administrator
Amaravathiputhur,
Samathuvapuram,
Sakkottai Taluk,
Amaravathiputhur 630 301.

3. The Block Development Officer (BDO),
Sakottai, Pudukkottai 630 108
Sivagangai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to forthwith desist from constructing the bus shelter on National Highway Road No.210 at highway towards Devakottai from



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Karaikudi right opposite an existing bus shelter (on the right side of the highway towards Karaikudi) and relocate the same to a better location as deemed fit by the experts of the 2nd and 3rd respondents to prevent obstruction of the right of way (ROW) on the highway.

For Petitioner : Mr. N.Srinivas Jayaprakash

For Respondents : Mr.P.Karthik

Standing Counsel for R1

Mr.G.Suriyaananth

Government Advocate for R2 & R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to desist from constructing the bus shelter on National Highway Road No. 210, on the highway stretch towards Devakottai from Karaikudi, directly opposite to the existing bus shelter located on the right side of the highway towards Karaikudi and to relocate the proposed construction to a more suitable location, as deemed fit by the experts of the respondents 2 and 3, in order to prevent obstruction to the Right of Way (ROW) on the highway.



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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Challenging the decision of the respondents 2 and 3 to construct a bus shelter on the left side of Highway Road No. 210, in the stretch leading from Karaikudi to Devakottai, which is likely to obstruct the Right of Way (ROW) on the highway, the petitioner submitted a detailed representation dated 22.03.2025 to the respondents. In the said representation, the petitioner requested that the proposed construction be relocated to a more suitable location, as may be identified by the experts of the respondents 2 and 3, so as to avoid obstruction to the ROW. As no action has been taken on the said representation till date, the petitioner has now filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



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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 to consider the petitioner's representation dated 22.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of three 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.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

PKN

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