



W.P.(MD)No.11594 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11594 of 2025

Senthilvelan

... Petitioner

-VS-

1.The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.

2.The Member Secretary / Assistant Director,
Local Planning Authority,
Town and Country Planning Kumbakonam,
Office at Thanjavur, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.04.2025 within the time stipulated by this Court.

For Petitioner : Mr.R.Prasanna

For R1 : Mr.B.Jameel Arasu
Standing Counsel

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



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ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 02.04.2025

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

3. The petitioner submits that there is no pathway to access his property, which is landlocked and without any entry. He states that if a public pathway is established in the portion of land allotted for the park, it would benefit him and he is willing to offer an equivalent portion of his own land for the park in exchange. In this regard, the petitioner sent a representation to the respondents on 02.04.2025, requesting the establishment of a public pathway in the portion of land designated for the park and expressing his willingness to exchange land. The said representation was duly received by the respondents, but no action has been taken by them till date. Hence, the present Writ Petition.

4. Heard both sides.

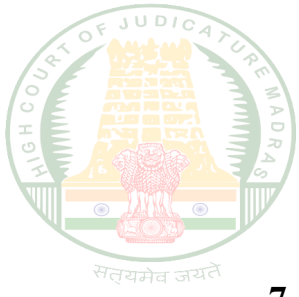


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping 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 second respondent herein to consider the petitioner's representation dated 02.04.2025, 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 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 second 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.

NCC : Yes / No
Index : Yes / No
smn2

24.04.2025

To:-

- 1.The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.
- 2.The Member Secretary / Assistant Director,
Local Planning Authority,
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VIVEK KUMAR SINGH, J.

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