



W.P.(MD)No.12104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12104 of 2025

and WMP(MD) No.8920 of 2025

Shri Usha Devi

: Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai.

2. The Director,
Directorate of Town and Country Planning,
Chennai.

3. The Assistant Director,
Madurai Town and Country Planning Authority,
Sector 6, Anaiyur Mudakatthan Main Road,
Kudalpudur,
Madurai.

4. P.K.Manju,
Assistant Director,
Madurai Town and Country Planning Authority,
Sector 6, Anaiyur Mudakatthan Main Road,
Kudalpudur,
Madurai.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the 3rd respondent in Online File No. SWP-NOE1LQDG dated 03.04.2025 and File No. Na.Ka.No. 969/2025/ Mathi 2 dated 11.04.2025 and quash the same as illegal and consequently direct the 3rd respondent to grant approval pursuant to the petitioners online application inOnline Application No.NOE1LQDG dated 17.03.2025.

For Petitioners : Mr.M.Mahaboob Athiff

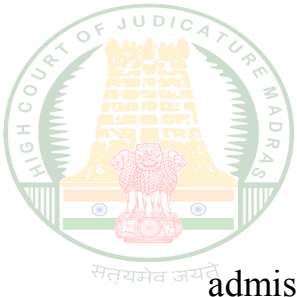
For Respondents : Mr.C.Venkatesh Kumar

Spl. Government Pleader
for R1 to R3

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 3 to implement the enforcement notice in Na.Ka.No. 3867/2024/Thi2, dated 15.11.2024 and 07.02.2025 by considering the petitioner's representation dated 19.03.2025, within the time frame.

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



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admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The petitioner asserts that he submitted an application dated 09.04.2024 seeking approval for the layout. Although the third respondent requested a 'No Objection Certificate' from the jurisdictional Tahsildar, which has been duly produced, the petitioner's application remains pending. In this regard, the petitioner submitted a detailed representation to the respondents, requesting approval of the layout. However, as no action has been taken, the petitioner has now approached this Court by filing 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 dated 09.04.2025 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 09.04.2025, 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 four 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.



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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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VIVEK KUMAR SINGH, J.

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