



W.P.(MD)No.13072 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13072 of 2025

Suresh

: Petitioner

Vs.

The Commissioner,
Dindigul Corporation, Dindigul.

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 05.04.2025 for re-visit of the shops at Anna VanigaValagam to find out the stability of existing building with an aid of appropriate expert committee or in alternate, give preference for the members of the petitioner association during re-allotment of shops at Anna VanigaValagam in the light of G.O.(2U) No. 66 dated 06.08.2024 Municipal Administration and Water Supply Department.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.J.Lawrence

Standing Counsel



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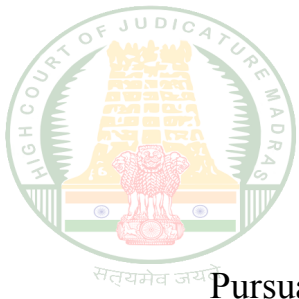
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ORDER

This Writ Petition has been filed seeking a direction to the respondent to consider the petitioner's representation dated 05.04.2025 for a re-inspection of the shops at Anna Vaniga Valagam to assess the structural stability of the existing building with the assistance of an appropriate expert committee, or, in the alternative, to give preference to the members of the petitioner association during the re-allotment of shops at Anna Vaniga Valagam, in light of G.O. (2D) No. 66 dated 06.08.2024, issued by the Municipal Administration and Water Supply Department.

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. The petitioner claims that the members of the petitioner's association have been running various shops at Anna Vaniga Valagam for more than 35 years, which is owned by the respondent Corporation.

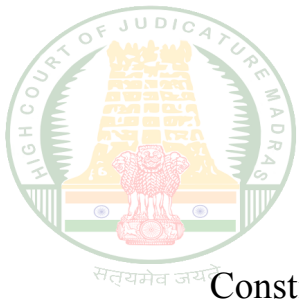


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Pursuant to the notice dated 28.03.2025, the members of the association were directed to vacate the shops within one week from the date of the notice, on the ground that permission had been granted for the construction of a new and modern commercial complex. The grievance of the petitioner is that the members of the association require at least six months to relocate their shops, even temporarily. In this regard, the petitioner submitted a representation dated 05.04.2025 to the respondent, requesting a re-assessment of the structural stability of the existing building with the assistance of an appropriate expert committee and to drop the proposed construction. However, as no action has been taken on the said representation, the petitioner has now filed 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



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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 respondent to consider the petitioner's representation dated 05.04.2025, 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 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 respondent to consider the same on its own merits.

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

29.04.2025

Index : Yes / No

Internet : Yes / No

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To

The Commissioner,
Dindigul Corporation, Dindigul.



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VIVEK KUMAR SINGH, J.

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