



W.P.(MD).No.12706 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12706 of 2025

J.Ponmani Henara

... Petitioner

-vs-

1. The Commissioner,
Hind Religious and Charitable Endowment Department,
Chennai

2. The Assistant Commissioner,
Hind Religious and Charitable Endowment Department,
Nagercoil.

3. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue a no objection certificate in respect of the property bearing Survey No.320/1B measuring an extent of 1.11.90 hectares and comprised in Patta No.9703 situated in thengampudhur Village, Agasteeswaram Taluk, Kanyakumari District based on the representation of the petitioner dated 03.01.2024 and the recommendation of the 2nd Respondent dated 11.11.2024.



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For Petitioner : Mr.G.Prabhu Rajadurai

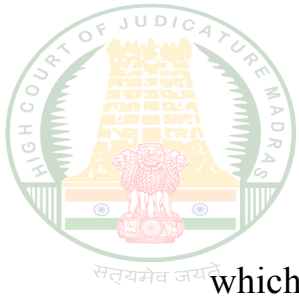
For Respondents : Mr.K.S.Selva Ganesan,
Addl. Govt. Pleader.

ORDER

This writ petition has been filed seeking a direction to the 1st respondent to issue 'no objection certificate' in respect of the property bearing Survey No.320/1B measuring to an extent of 1.11.90 hectares having Patta No.9703 situated in thengampudhur Village, Agasteeswaram Taluk, Kanyakumari District, based on the representation of the petitioner dated 03.01.2024 and also based on the recommendation of the 2nd Respondent dated 11.11.2024.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The petitioner is running a school in the aforementioned property for the past 12 years and for that purpose, the petitioner has to obtain 'no objection certificate', being licence for the school building. Hence, the petitioner made a representation to the second respondent dated 03.01.2024,



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which is now pending before the 1st respondent. Since the said representation was not considered, the petitioner has 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 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 first respondent to consider the petitioner's representations dated 03.01.2024, 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 necessary 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 respondents to consider the same on its own merits.



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

29.04.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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VIVEK KUMAR SINGH, J.

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Order made in
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