



W.P.(MD)No.12817 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.12817 of 2025

Jawaharla Nehru

: Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Commissioner,
Madurai Corporation,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allocate a shop in the newly constructed Periyar Bus Terminal enabling the petitioner to continue the petitioner business in the name and style of Sri Kaveri Restaurant on the basis the representation dated 10.02.2025 and 16.04.2025 within a stipulated time period in accordance with law.

For Petitioners : Mr. C.Senthil Murugan

For Respondents : Mr.C.Venkatesh Kumar

Spl. Government Pleader

for R1

Mr.S.Vinayak for R2



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ORDER

This Writ Petition has been filed seeking a direction to the respondents to allocate a shop in the newly constructed Periyar Bus Terminal to enable the petitioner to continue business in the name and style of 'Sri Kaveri Restaurant', based on the representations dated 10.02.2025 and 16.04.2025, within a stipulated time period in accordance with law .

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 to have been running a hotel business in partnership with his friend Karuppaiah at Shop No. 721 in the Periyar Bus Terminal. Due to the Smart City Project, the second respondent proposed demolition of the old buildings and the petitioner was instructed to vacate the shop. The petitioner's grievance is that, without considering his representations, the second respondent is



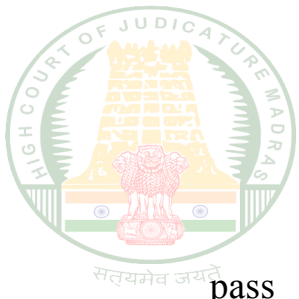
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allocating the newly constructed shops to newcomers. He contends that, as assured at the time of vacating the premises, priority should have been given to existing shop owners. In this regard, the petitioner submitted representations dated 10.02.2025 and 16.04.2025 to the second respondent. However, since no action has been taken, 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 second respondent to consider the petitioner's representations dated 10.02.2025 and 16.04.2025, on its own merits and



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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 second respondent to consider the same on its own merits.

6. With the above directions, 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

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VIVEK KUMAR SINGH, J.

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