



W.P.(MD)No.13069 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.13069 of 2025

and

WMP (MD) No.9324 of 2025

P.Vinukumar

: Petitioner

Vs.

The Municipal Commissioner,
Kuzhithurai Municipality,
Vettumani,
Marthandam Post,
Kanyakumari District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondent in anyway preventing the members of the petitioners union from parking the vehicles under the Gandhi Maithanam bridge situated at Marthandam by considering the request of the petitioner dated 27-03-2025.

For Petitioner : Mr. S.C.Herold Singh



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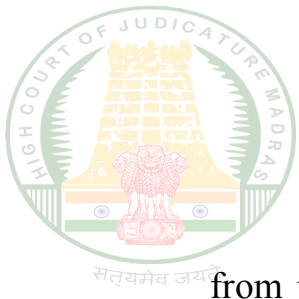
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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondent from in any manner preventing the members of the petitioner's union from parking their vehicles under the Gandhi Maithanam Bridge situated at Marthandam, by considering the petitioner's representation dated 27.03.2025.

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

3. The petitioner claims to be a representative of the Car Owners Association. The grievance of the petitioner is that the authorities have commenced the construction of a bridge at a location where the members of the petitioner's association have been regularly parking their vehicles. In this regard, the petitioner submitted a representation dated 27.03.2025 to the respondent, requesting that they shall not be restrained



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from parking vehicles under the bridge. However, since no action was 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 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 27.03.2025, 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



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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 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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