



W.P.(MD).No.17625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.03.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.17625 of 2023

M.Mariammal

... Petitioner

-VS-

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

2. The Deputy Director,
District Town and Country Planning Office,
Thoothukudi District,
Thoothukudi.

3. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents no.1 and 2 herein to restore the petitioner's land to him which is acquired for Open Space Reservation in Plot No.27 for an extent of 148.45 square meter situated at 162/2A1A, Sivanthipatti Village, Kovilpatti Taluk, Thoothukudi District by considering the petitioner's representation dated 27.06.2023 within a stipulated time as prescribed by this Court.



WEB COPY



W.P.(MD).No.17625 of 2023

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.C.Venkatesh Kumar (R1 & R2)

Special Government Pleader

Mr.C.Satheesh (R3)

Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 and 2 herein to restore the petitioner's land in Plot No.27 measuring to an extent of 148.45 square meter situated at 162/2A1A, Sivanthipatti Village, Kovilpatti Taluk, Thoothukudi District, which is acquired for Open Space Reservation, to him, by considering the petitioner's representation dated 27.06.2023 within a stipulated time as prescribed by this Court.

2. Heard the learned counsel on either side.

3. The petitioner made a representation dated 27.06.2023 to the respondents, with regard to restoration of the aforementioned property. Since the said representation was not considered, the petitioner has filed the present writ petition.



W.P.(MD).No.17625 of 2023

WEB COPY

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 respondents to consider the petitioner's representation dated 27.06.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and as well as the rival claimants, if any, within a period of two months 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.



W.P.(MD).No.17625 of 2023

WEB COPY

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

04.03.2025

NCC : Yes/No
Index : Yes / No
sm



W.P.(MD).No.17625 of 2023

WEB COPY

TO:-

1. The Commissioner,
Madurai Corporation,
Madurai.
2. The Tahsildar,
Madurai South Taluk,
Madurai.



WEB COPY



W.P.(MD).No.17625 of 2023

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.17625 of 2023

Dated:
04.03.2025