



W.P.(MD)No.21190 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.21190 of 2024

and WMP (MD) No.17954 of 2024

C.T.Rajesh

: Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.

2. The Commissioner,
Kollamcode Municipality,
Kollamcode,
Kanyakumari District.

3. Manikandan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove the unauthorized thar road work laid in the petitioners property comprised in S.No.335/2A2 Ezhudesam C,Village Eludesam, Kollamcode Municipality, Killiyoor Taluk, Kanyakumari District to an extent of 2 cents.

For Petitioner : Mr.Charles Kamalesh M. Appaji



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For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

for R1

Ms.Surya for R2

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to remove the unauthorized thar road work laid on the petitioner's property, comprised in S.No. 335/2A2, Ezhudesam C Village, Eludesam, Kollancode Municipality, Killiyoor Taluk, Kanyakumari District.

2. The petitioner claims to be the owner of the subject property. He asserts that his property is 5 feet away from the thar road. The grievance of the petitioner is that the third respondent's contract workers changed the measurement of the road and widened it into his property, which, according to the petitioner, is in violation of the tender conditions. In this regard, the petitioner submitted detailed representations on 23.12.2023 and 10.07.2024 to the official respondents, requesting them to remove the unauthorized road. Since no action has been taken, the petitioner has now filed this writ petition.



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3. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondents 1 and 2 to consider the representations of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

4. Heard both sides.

5. 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.

6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 to consider the petitioner's



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representations dated 23.12.2023 and 10.07.2024, 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 interested in the subject matter, within a period of eight 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 1 and 2 to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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