



W.P.(MD)No.23541 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.23541 of 2022

V.S.T.Amanullah

: Petitioner

Vs.

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 2.The Assistant Commissioner,
Melapalayam Zone,
Melapalayam,
Tirunelveli.
- 3.The Executive Engineer,
Tirunelveli Corporation,
Melapalayam Zone,
Melapalayam,
Tirunelveli.



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4.K.S.Shahul Hameed

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to take action against the unauthorized construction of commercial building in T.S.No.92, Old S.No.25 in Old Ward No.29, New Ward No.50, Melapalayam Village, Tirunelveli District by the fourth respondent within the time fixed by this Court.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents 1 to 3 : Mr.S.P.Maharajan

Special Government Pleader

For Respondent No.4 : Mr.T.Selvan

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

Heard both sides and perused the materials available on record.

2.The petitioner herein had given a representation to the official respondents on 27.06.2022, to remove the encroachment in the aforesaid survey number. Since the said representation was not considered, the present Writ Petition has been filed.



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3.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 the India and direct them to consider the same within a stipulated time.

4.Since there is a considerable lapse of time after the earlier representation was made, the petitioner herein is granted liberty to give a fresh representation to the concerned respondents, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent, as well as to any other person, who may be interested in the subject matter, within a period of three [3] months from the date of receipt of the



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representation. It is 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 concerned respondent to consider the same, on its own merits.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

24.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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24.01.2025