



W.P.(MD)No.23293 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.23293 of 2024

Sivakumar

: Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Executive Officer,
Thirupathur Town Panchayat,
Thirupathur,
Sivagangai District.

3. Veeraputhiran

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to conduct re-tender in respect of the Shop No.8 in Thirupathur Bus Stand, based on the communication in Na.Ka. No.A5/485/2024 dated 12.07.2024.

For Petitioner : Mr. Padma Boopathi.N

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader

for R1 & R2

Mr.K.Rajeswaran for R3



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to conduct re-tender in respect of the Shop No.8 in Thirupathur Bus Stand, based on the communication in Na.Ka. No.A5/485/2024, dated 12.07.2024.

2.The petitioner claims that Shop No. 8 at Thirupathur Bus Stand was allotted to his mother and after her demise, the third respondent, who is the petitioner's elder brother, illegally took possession of the shop. The petitioner's grievance is that the third respondent is already in possession of four other properties, including the shop in question. Consequently, the petitioner submitted a representation dated 26.06.2024, requesting the authorities to hand over possession of the shop to him. However, without considering the same, the first respondent, in its communication dated 12.07.2024, stated that all siblings must nominate a person to take over the shop belonging to their deceased mother. Left with no other recourse, the petitioner has filed the present writ petition.



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3. Heard both sides.

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 representation dated 26.06.2024, 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 four 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



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to the second respondent to consider the same on its own merits.

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

03.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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Sivagangai.
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VIVEK KUMAR SINGH, J.

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