



W.P.(MD)No.32 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.32 of 2025

C.Bhargavi

: Petitioner

Vs.

1.The Member Secretary,
District Town and Country Planning,
Anayur Housing Board,
Mudakathan, Madurai.

2.The Commissioner,
Madurai Corporation,
Anna Maligai, Thallakulam,
Madurai – 625 002.

3.Sivanantham
Siva Promoters,
Balaji Nagar Extension, Kovalan Nagar,
Near Suba Nagar, Madurai – 625 003.



W.P.(MD)No.32 of 2025

WEB COPY

4.The District Collector / Monitoring Committee,
Collector Office,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate action by removing the encroachment by demolishing the compound wall erected by the third respondent encroaching the road belonging to the Madurai Corporation east side to the plot of the petitioner and direct the 2nd respondent to demolish the illegal construction of compound wall erected by the third respondent, violating the approval from the department of town and country planning authority and Madurai Corporation.

For Petitioner : Mr.B.A.Muruganantham

For Respondents 1 & 2 : Mr.F.Deepak

Standing Counsel

For Respondent No.4 : Mr.S.Shaji Bino,

Special Government Pleader



W.P.(MD)No.32 of 2025

WEB COPY

ORDER

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the respondents respondents 1 and 2 herein to take appropriate action by removing the encroachment by demolishing the compound wall erected by the third respondent encroaching the road belonging to the Madurai Corporation east side to the plot of the petitioner and direct the 2nd respondent to demolish the illegal construction of compound wall erected by the third respondent, violating the approval from the department of town and country planning authority and Madurai Corporation.

3.Since this Court is directing the respondents 1 & 2 to consider the petitioner's representations, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.



W.P.(MD)No.32 of 2025

WEB COPY

4.The petitioner herein had given representation to the official respondents on 24.09.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

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 the 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 & 2 to consider the petitioner's representation dated 24.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the third respondent, as well as all other persons, who may be interested in the subject property, within a period of three [3]



W.P.(MD)No.32 of 2025

WEB COPY

months from the date of receipt of a copy of this order. 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 respondents to consider the same on its own merits.

7. 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.]

07.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.32 of 2025

To

- 1.The Member Secretary,
District Town and Country Planning,
Anayur Housing Board,
Mudakathan, Madurai.

- 2.The Commissioner,
Madurai Corporation,
Anna Maligai, Thallakulam,
Madurai – 625 002.

- 3.The District Collector / Monitoring Committee,
Collector Office,
Madurai District.



WEB COPY



W.P.(MD)No.32 of 2025

M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

W.P.(MD)No.32 of 2025

07.01.2025