



W.P(MD)No.24745 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.24745 of 2024
and
WMP(MD)No.21054 of 2024**

P.Kalaiselvan

... Petitioner

vs.

1. The District Collector,
Theni District,
Theni.

2. The District Manager,
Tamil Nadu State Marketing
Corporation Limited, (TASMAC),
Theni District,
Theni

3. The Tahsildar,
Bodinaickkanur Taluk,
Bodinaickkanur,
Theni District.

4. The Executive Officer,
Melachokkanathapuram Town Panchayat,
Bodinaickkanur Taluk,
Theni District.



5. Ganesan



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... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent not to open the individual Recreation Club FL2 along with liquor bar proposed to situate nearby entrance of Krishnan Nagar, Bodinaickkanur, Melachokkanathapuram, Theni District, on the basis of the representation given by the petitioner dated 25.09.2024.

For Petitioner : Mr.K.Guhan

For R1, R3 & R4 : Mr.P.Thilakkumar

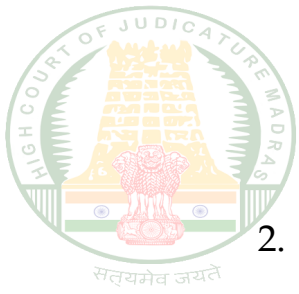
Government Pleader

For R2 : Mr.S.Sivanesan, Standing Counsel

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 4th respondent not to open the individual Recreation Club FL2 along with liquor bar proposed to situate nearby the entrance of Krishnan Nagar, Bodinaickkanur, Melachokkanathapuram, Theni District, on the basis of the representation given by the petitioner dated 25.09.2024.

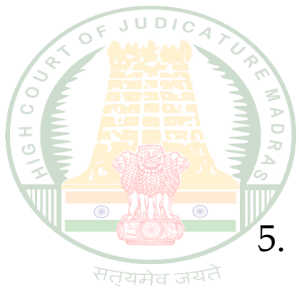


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2. It is the grievance of the petitioner that his representation dated 25.09.2024, seeking not to open the individual Recreation Club FL2 along with liquor bar in the abovesaid place, is kept pending till date without any progress. Therefore, he has filed this Writ Petition for the abovesaid prayer.

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



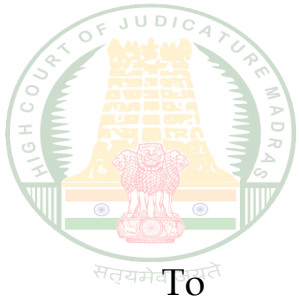
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5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 25.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent as well as all other persons, who may be interested in the subject property, within a period of three 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.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
20.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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AND
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ORDER MADE IN
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