



W.P.(MD).No.29152 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.29152 of 2023

and

W.M.P.(MD)Nos.25196 & 25197 of 2023

- 1.Sathana Udaiyar Poochami
- 2.M.Kannan
- 3.M.Moorthy

... Petitioners

-vs-

1. The District Collector, Madurai.
2. The Revenue Divisional Officer,
Madurai South, Madurai.
3. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E and C Market Road,
Koyambedu, Chennai - 600 107.
4. The Sales Confirmation Committee,
Rep by the Chairperson / the Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E and C Market Road,
Koyambedu,
Chennai - 600 107.
5. The Superintending Engineer
(Observer at Madurai Housing Unit),
Tamil Nadu Housing Board,
Chennai Circle, Chennai.



W.P.(MD).No.29152 of 2023

WEB COPY

6. The Manager - Marketing & Service,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Eliss Nagar, Madurai - 625 016.

7. The Managing Trustee,
M/s.Tholkappiyam Charitable Trust,
No.123/3, Jayaraj Nagar,
Vilangudi, Madurai - 625 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the 1st impugned letter of Allotment, under Letter No. A3/949/2021 dated 06.01.2022, on the file of the 6th respondent herein, allotting the Plot under MDU-159-Religious Purpose-Hindu, to the 7th respondent Trust for the purpose of constructing Commercial Complex with Chruch in the landed property and the 2nd impugned minutes of the Sales Confirmation Committee, dated 23.12.2021, on the file of the 5th respondent herein and to quash the same as illegal and further direct the respondents 3 to 6 to let the property for fresh auction only for the purpose of constructing Hindu Temple, as per the original allocation.

For Petitioners : Mr.K.R.Laxman

For Respondents : Mr.C.Venkatesh Kumar (R1 & R2)

Special Government Pleader

Mr.R.Sivakumar (R3 to R6)

Mr.N.Vignesh (R7)



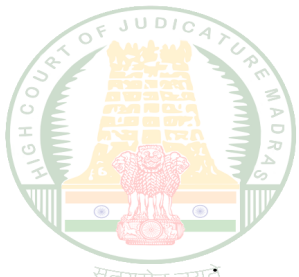
W.P.(MD).No.29152 of 2023

ORDER

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This writ petition has been filed challenging the impugned letter of allotment passed by the sixth respondent, in Letter No. A3/949/2021 dated 06.01.2022, allotting the Plot under MDU-159-Religious Purpose-Hindu, to the 7th respondent Trust, for the purpose of constructing Commercial Complex with Church and the impugned minutes of the Sales Confirmation Committee passed by the fifth respondent, dated 23.12.2021 and seeking a consequential direction to the respondents 3 to 6 to let the property for fresh auction only for the purpose of constructing Hindu Temple, as per the original allocation.

2. The petitioners claim that they are the residents of Anuppanadi Housing Board, which consists of 10000 housing units. The grievance of the petitioners is that the space under MDU-159 is meant only for the purpose of construction of Hindu temple. However, the respondents 3 to 6 have allotted the said space for the 7th respondent for the purpose of constructing Commercial Complex with Church by the impugned order dated 06.01.2022. With regard to the said grievance, the petitioners made a representation dated 28.11.2023 to the first respondent. However, the same has not been considered till date. Hence, this writ petition has been filed challenging the



W.P.(MD).No.29152 of 2023

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impugned minutes dated 23.12.2021 and the impugned order dated 06.01.2022.

3. The learned counsel appearing for the petitioners submits that though larger relief has been sought for by the petitioners, now, they confine the prayer that it would suffice if the representation of the petitioners is disposed of in accordance with law.

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.



W.P.(MD).No.29152 of 2023

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6. In the light of the above observations and also considering the submissions made by the learned counsel appearing for the petitioners, there shall be a direction to the petitioners to make a fresh representation with regard to the aforesaid relief, to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third 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, as well as all other persons, who may be interested in the subject matter, within a period of four weeks thereafter. 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 first respondent 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 petitions are closed.

NCC : Yes/No
Index : Yes / No
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12.03.2025
(2/2)



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W.P.(MD).No.29152 of 2023

VIVEK KUMAR SINGH, J.

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TO:-

1. The District Collector, Madurai.
2. The Revenue Divisional Officer,
Madurai South, Madurai.

Order made in
W.P.(MD)No.29152 of 2023
(2/2)

Dated:
12.03.2025