

W.P.(MD)No.30881 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.30881 of 2024

V.Asokan

: Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor,
C & E Market Road,
Koyambedu,
Chennai – 600 107.

2.The District Collector,
Office of District Collectorate,
Dindigul District,
Dindigul.



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3.The Chairman of Town and Country Planning Department,
Spencer Compound,
Dindigul.

4.The Chief Engineer,
Department of Highways,
76, Sardar Patel Road,
Guindy,
Chennai.

5.The Divisional Engineer,
Department of State Highways,
Dindigul.

6.The District Forest Officer,
Laws Ghat Road,
Kodaikanal,
Dindigul District.

7.The District Revenue Office,
Kodaikanal Taluk,
Dindigul District.



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8.The Revenue Divisional Officer,
Kodaikanal Taluk,
Dindigul District.

9.The Thasildar,
Kodaikanal,
Dindigul District,
Dindigul.

10.The Kodaikanal Municipality,
Rep. by its Commissioner,
Lake Road,
Kodaikanal,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 1 to 3 from of laying State Highways connecting Kodaikanal via Vilpatti-Kovilpatti-Pullioor-Pethupatti which lies within the limits of Eco-Sensitive Zone and in violation to guidelines issued by Hill Area Conservation Authority within the time period stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Fazil

For Respondents 1 to 9 : Mr.P.Thilak Kumar

Government Pleadewr

For Respondent No.10 : Mr.T.S.Mohamed Mohideen

Standing Counsel

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 forbear the respondents 1 to 3 from of laying State Highways connecting Kodaikanal via Vilpatti-Kovilpatti-Pullioor-Pethupatti which lies within the limits of Eco-Sensitive Zone and in violation to guidelines issued by Hill Area Conservation Authority within the time period stipulated by this Court.



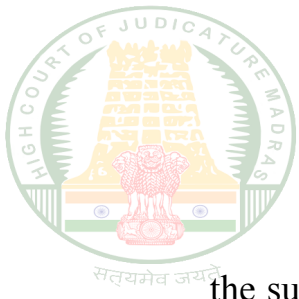
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3.The petitioner herein had given a representation to the respondents on 19.09.2024 in this regard. Since the said representation was not considered, the present writ petition has been filed.

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.

5.In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 19.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein, as well as all other persons, who may be interested in



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the subject property, within a period of three [3] 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, this Writ Petition stands disposed of. There shall be no order as to costs.

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

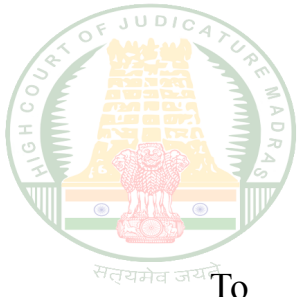
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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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ORDER MADE IN

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