



W.P.(MD).No.30980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.30980 of 2024
and
W.M.P.(MD).No.26032 of 2024

R.Geetha

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District,
At Nagercoil.
- 2.The Director,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
- 3.The Member Secretary,
Local Planning Authority,
No.11A, Ramanpillai Street,
Ramavarampuram,
Nagercoil,
Kanniyakumari District.
- 4.The Joint Director / Assistant Director,
District Town and Country Planning Office,
District Collectorate Office Campus,
Nagercoil,
Kanniyakumari District.



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5. The Executive Officer,
Keelkulam Town Panchayat,
Nagercoil, Kanniyakumari District.

6. R. Rajesh,
Kovil Secretary, Sempazhanjivilai,
Sri Navaneetha Krishnan Temple,
Kunjancode, Vizhunthayambalam Post,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 to 5 to take action against the illegal and unauthorized construction made by the respondent No.6 in R.S.No.4/11, Keezhakulam “B” Village, Killiyoor Taluk, Kanniyakumari District in light of the Form I notice issued by the 4th respondent dated 14.11.2024 within the time period stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For R-1 to R-4 : Mr.S.Shaji Bino

Special Government Pleader

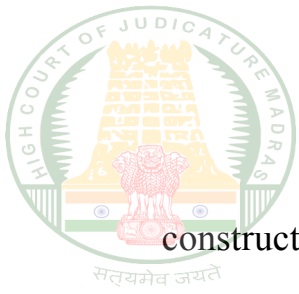
For R-5 : Mr.J.Ashok

Additional Government Pleader

ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the respondents 1 to 5 to take action against the illegal and unauthorized



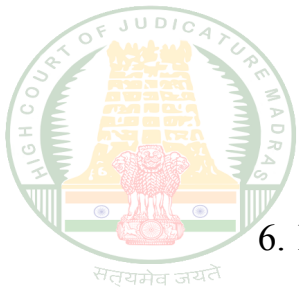
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construction made by the sixth respondent in R.S.No.4/11, Keezhakulam “B” Village, Killiyoor Taluk, Kanniyakumari District in light of the Form I notice issued by the fourth respondent dated 14.11.2024 within the time period stipulated by this Court.

3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 23.10.2024 to take action against the illegal and unauthorized construction made by the sixth respondent in R.S.No.4/11, Keezhakulam “B” Village, Killiyoor Taluk, Kanniyakumari District. 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.



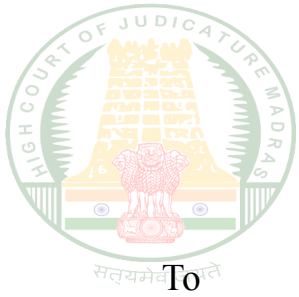
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6. In the light of the above observations, there shall be a direction to the respondents 1 to 5 herein to consider the petitioner's representation dated 23.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent herein, as well as all other persons, who may be interested in the subject matter, 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.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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