



W.P.(MD).No.31047 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.31047 of 2024

R.Varadharajan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

2.The Commissioner,
Aranthangi Municipality,
Aranthangi,
Pudukkottai District.

3.V.K.Subburaman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to take immediate steps to lock and seal the lodge and shops which has illegally operated by the 3rd respondent in a premises of SF.No.12/5 (total extent 22 cents) situated at Old Hospital Road, Bharathidasan Street, Aranthangi Town, Pudukkottai District by considering the petitioner's representation dated 28.11.2024.



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For Petitioner : Mr.N.Kamesh
For R-1 : 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 and 2 to take immediate steps to lock and seal the lodge and shops which is illegally operated by the third respondent in the premises of SF.No.12/5 (total extent 22 cents) situated at Old Hospital Road, Bharathidasan Street, Aranthangi Town, Pudukottai District by considering the petitioner's representation dated 28.11.2024.

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

4. The petitioner herein had given a representation to the respondents 1 and 2 on 28.11.2024 to lock and seal the lodge and shops illegally operated by



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the third respondent in SF.No.12/5 situated at Old Hospital Road, Bharathidasan Street, Aranthangi Town, Pudukottai 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.

6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 28.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the third 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



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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.

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

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

To

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Pudukkottai District.

2.The Commissioner,
Aranthangi Municipality,
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M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

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