



W.P.(MD).No.30999 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.30999 of 2024

P.L.Subramanian

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 9.
- 2.The Director of Town and Country Planning,
Chennai – 107.
- 3.The Deputy Director,
District Town and Country Planning Office,
No. 14, Vivekanantha Nagar,
Dindigul - 624 001.
- 4.The Commissioner,
Kodaikanal Municipality,
Kodiaikanal - 624 101.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to pass order of de-sealing the petitioner's building at T.S.Nos.61/5 and 63/5, Block No.23, Ward No.D at Kodaikanal within a time frame fixed by this Court based on the personal hearing held on 21.05.2024.



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For Petitioner : M/s.K.Porkodi
For R-1 to R-3 : Mr.J.Ashok
Additional Government Pleader
For R-4 : Mr.T.S.Mohamed Mohideen

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 first respondent to pass order of de-sealing the petitioner's building at T.S.Nos.61/5 and 63/5, Block No.23, Ward No.D at Kodaikanal within a time frame fixed by this Court based on the personal hearing held on 21.05.2024.

3. The petitioner herein had given a representation to the first respondent on 21.05.2024 to de-seal the petitioner's building at T.S.Nos.61/5 and 63/5, Block No.23, Ward No.D at Kodaikanal. Since the said representation was not considered, the present Writ Petition has been filed.



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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 first respondent herein to consider the petitioner's representation dated 21.05.2024, 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 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.



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6. 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

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 9.
- 2.The Director of Town and Country Planning,
Chennai – 107.
- 3.The Deputy Director,
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M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

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