



W.P.(MD)No.31487 of 2024

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.31487 of 2024

Dr.M.Mohammed Ayub

: Petitioner

Vs.

1.The District Collector,

Tirunelveli District.

2.The Superintending Engineer,

The Public Works Department,

Palayamkottai,

Tirunelveli District.

3.The Assistant Director,

Ex-Service Men Welfare Office,

Tirunelveli – 627 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to



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demolish the dilapidated building belonging to the Ex-service Men Welfare Association, Tirunelveli situated in Javans Bhavan Building, Market near, Tiruchendur Road, Palayamkkottai by considering the petitioner's representation dated 14.09.2024 to the first respondent within a stipulated time frame fixed by this Court.

For Petitioner : Mr.S.Abuthaheer

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

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 direct the first respondent to demolish the dilapidated building belonging to the Ex-service Men Welfare Association, Tirunelveli situated in Javans Bhavan Building, near Market, Tiruchendur Road, Palayamkkottai by considering the petitioner's representation dated 14.09.2024, within a stipulated time frame fixed by this Court.



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3.The petitioner herein had given a representation to the respondents on 14.09.2024, 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 respondents to consider the petitioner's representation dated 14.09.2024, on its own merits and pass appropriate orders in accordance with law, 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



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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.]

06.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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