



W.P.(MD).No.31406 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.31406 of 2024
and
W.M.P.(MD).No.26301 of 2024

R.Selvam

... Petitioner

Vs.

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Madurai Corporation,
Zone V (West),
Thirupparankundram,
Madurai.
- 3.The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai.
- 4.M.Somasundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the



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impugned Execution Order passed by the 2nd respondent in Ma5E1/008489/2023 dated 12.12.2024 and quash the same as illegal and consequently direct the respondents 1 to 3 to remove the entry in Madurai Corporation records as pathway in T.S.No.122 in Madakulam Village, Madurai Corporation, Madurai.

For Petitioner : Mr.R.R.Kannan
For R-1 & R-2 : Mr.S.Vidyasagar
Standing Counsel
For R-3 : Mr.S.Shaji Bino
Special 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 challenging the impugned execution order passed by the 2nd respondent dated 12.12.2024 and to consequently direct the respondents 1 to 3 to remove the entry in Madurai Corporation records as pathway in T.S.No.122 in Madakulam Village, Madurai Corporation, Madurai.

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



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4. Though the petitioner herein had challenged the execution order in the present Writ Petition, the learned counsel for the petitioner submitted that the petitioner had made a representation to the official respondents on 19.09.2024, for removal of entry in Madurai Corporation records as pathway in T.S.No.122, Madakulam Village, Madurai and that he would be satisfied, if the first respondent is directed to consider the said representation within a stipulated time.

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 submission made by the learned counsel for the petitioner, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.09.2024, on its own merits and pass



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appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth 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

To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Zone V (West),
Thirupparankundram,
Madurai.



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3. The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
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A.D.MARIA CLETE,J.

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