

WP(MD). No.6 of 2025

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

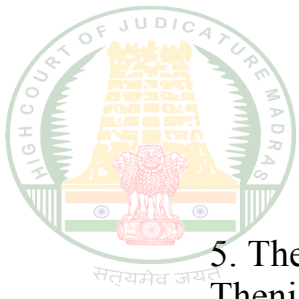
WP(MD). No.6 of 2025
and WMP(MD) No.1 of 2025

S.Meenakshisundaram

... Petitioner

Vs

1. The District Collector,
Theni District, Theni.
2. The Block Development Officer,
(Village Panchayat),
Panchayath Union Office,
Chinnamanoor, Utthamapalayam Taluk,
Theni District..
3. The Union Commissioner,
Panchayath Union Office,
Chinnamanoor,
Utthamapalayam Taluk,
Theni District..
4. The Secretary,
Village Panchayath Office,
Chinnaovala Puram,
Utthamapalayam Taluk,
Theni District..



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5. The Superintendent of Police,
Theni District,
Theni.

6. The Inspector of Police,
Rayappan Patty Police Station,
Theni District..

7. Annadurai,
(Chinnamanoor East Dmk Union Secretary) ... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents 1 to 4 to demolish the 7th respondent illegal construction in survey No.10/4 which is situated at Chinnaovalapuram Village, Utthamapalayam Taluk, Theni District consequently direct the respondents 1 to 6 to take appropriate legal action against the 7th respondent based on petitioner's representation dated 25.10.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.S.R.A.Ramachandran for R1 to R4
Additional Government Pleader
Mr..Kottaichamy for R5&R6
Government Advocate (Crl. Side)

ORDER

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



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2. Since no adverse order is going to be passed against the 67^h respondent, notice to the 7th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 4 to demolish the 7th respondent illegal construction in survey No.10/4 which is situated at Chinnaovalapuram Village, Utthamapalayam Taluk, Theni District consequently direct the respondents 1 to 6 to take appropriate legal action against the 7th respondent based on petitioner's representation dated 25.10.2024 within the time limit that may be stipulated by this Court

4. In order to demolish the illegal construction alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 25.10.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.



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5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 to 4 herein to consider the petitioner's representation dated 25.10.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 7th respondent and all other persons, who may be interested in the subject matter, within a period of three 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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7. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

06.01.2025

NCC : Yes/No

Index : Yes/No

RR

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AND
A.D.MARIA CLETE, J.

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ORDER
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