BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2018
CORAM
THE HONOURABLE MR.JUSTICE **M.S.RAMESH**
W.P.(MD)No.10292 of 2018

S.Nagarajan : Petitioner

Vs.

1.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
The Commercial Tax Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner,
The Commercial Tax Department,
Chennai.

3.The Commissioner,
Municipal Administration Department,
Chennai.

4.Tiruchirappalli City Municipal Corporation,
Through its Commissioner,
Bharathidasan Salai, Trichy. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the first and second respondents to consider the petitioner's representation dated 07.04.2018 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.K.Gnanasekaran
For R1 to R3 : Mr.V.Anand, Government Advocate
For R4 : Mr.N.S.Karthikeyan

ORDER

Heard Mr.K.Gnanasekaran, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents 1 to 3 and Mr.N.S.Karthikeyan, learned counsel, who takes notice on behalf of the fourth respondent.

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

3.It is the grievance of the petitioner that his representation dated 07.04.2018 claiming GST from 01.07.2017 for the works where agreement entered before 01.07.2017 has not been considered by the respondents till date and therefore, has filed the present writ petition.

4.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5.In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 07.04.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done, after giving due opportunity to the petitioner.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
The Commercial Tax Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner,
The Commercial Tax Department,
Chennai.

3.The Commissioner,
Municipal Administration Department,
Chennai.

+1cc to Mr.K.Gnanasekaran, Advocate, SR.No.64620

W.P.(MD)No.10292 of 2018
28.04.2018

MYR
PS/JC/SAR 3/22.05.2018/2P/5C