



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.10291 of 2018

Rekha Malar : Petitioner
Vs.

1. The Secretary to Government,
Public Works Department,
Secretariat, Chennai.
2. The District Collector,
Kanyakumari District,
At Nagercoil.
3. The Assistant Director of Mines,
Kanyakumari District,
At Nagercoil.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to permit the petitioner to de-silt the Pechiparai dam by accepting a sum of Rs.1,175/- per unit for sand and Rs.60/- per unit for slit by considering the representation of the petitioner dated 26.12.2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Anand,
Government Advocate.

ORDER

Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is the grievance of the petitioner that her



representation dated 26.12.2017 to to permit the petitioner to de-silt the Pechiparai dam by accepting a sum of Rs.1,175/- per unit for sand and Rs.60/- per unit for slit has not been considered by the respondents till date and therefore, has filed the present writ petition.

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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 second respondent to consider the petitioner's representation dated 26.12.2017 on its own merits and take further action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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,
Public Works Department,
Secretariat, Chennai.
2. The District Collector,
Kanyakumari District At Nagercoil.
3. The Assistant Director of Mines,
Kanyakumari District At Nagercoil.

+1 cc to M/S.S.Herold Singh, IN SR No.64589

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