WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16881 of 2018

P.Vadivel ... Petitioner

vs.

1. The District Collector
   Theni District

2. The Block Development Officer
   K.Maiyilai Panchayat Union
   Mayiladumparai Post
   Andipatti Taluk
   Theni District

3. The Special Officer
   Duraisamypuram Village Panchayat
   Kuppinayakkanpatti Village
   Theni District

4. Soundarrajan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 3 to release the sum of Rs.2,10,893/- (Rupees two lakhs ten thousand eight hundred and ninety three only) with 12% interest till the disbursal of the amount due to the petitioner for construction of 26 toilets in the third respondent Village Panchayat.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.V.Anand
Government Advocate for R1
Mr.A.Thiagarajan for R2 & R3

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the first respondent and Mr.A.Thiagarajan, learned counsel, takes notice for the respondents 2 and 3. Notice to the fourth respondent is dispensed with in view of nature of the order to be passed by this Court.

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

WEB COPY

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 17.04.2017 seeking for payment of Rs.2,10,893/- (Rupees two lakhs ten thousand eight hundred and ninety three only) with 12% interest till the disbursal of the amount due to him for the construction of 26 toilets in the third respondent Village Panchayat, has not been considered by the official respondents till date and therefore, he 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 official respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred 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 17.04.2017 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 as well as to the fourth respondent and any other persons who may be interested in the subject matter.

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

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

The District Collector,
Theni District.

+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 76084

KRK
TE/RP/SAR-1 : 10/08/2018 : 2P/3C

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