



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No. 3930 of 2020

and

W.M.P. (MD) No. 3315 of 2020

S.Sivaperumal

... Petitioner

/vs./

1. The Director General of Police of Tamil Nadu
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. The Additional Director General of Police
(Administration)
Office of the Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 13.02.2020 on health and humanitarian grounds and under Clause-(xi) in the Circular Na.Ka.No.11222/NGB.2(1)/2018 dated 14.02.2018 issued by the 1st respondent and transfer the petitioner to any of the Police Office in Trichy Range viz., Office of the Commissioner of Police, Trichy or District Police Office, Trichy or any Police Office within Trichy Range within the time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.R.Sethuraman

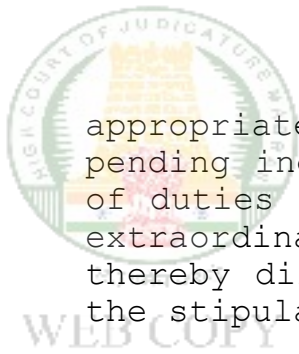
Special Government Pleader

ORDER

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

2. The limited prayer sought for by the petitioner is that to consider his representation dated 13.02.2020 on health and humanitarian grounds and under Clause-(xi) in the Circular Na.Ka.No.11222/NGB.2(1)/2018 dated 14.02.2018 issued by the first respondent and transfer the petitioner to any of the Police Office in Trichy Range viz., Office of the Commissioner of Police, Trichy or District Police Office, Trichy or any Police Office within Trichy Range within the stipulated time.

3. Whenever a representation is made to a statutory authority to redress the claim of the petitioner, there is a duty cast upon the respondents to consider the same on its own merit and pass



appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representations dated 13.02.2020 on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit a copy of the representation dated 13.02.2020 along with copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Director General of Police of Tamil Nadu
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2.The Additional Director General of Police
(Administration)
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+1 CC to M/s.Special Govt.Pleader (SR-8784[F] dated 27/02/2020)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-8481[F] dated 26/02/2020)

Order made in
W.P.(MD) No.3930 of 2020
26.02.2020

Ns

SDS (16.03.2020) 2P-5C

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