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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34590 of 2016

Minor.B.Balakrishna,
Rep.by his Guardian and grandfather
Mr.B.Narasimhalu

...Petitioner

Vs

The Corporation of Chennai,
Rep. by its, Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 03.11.2015 within the stipulated time as this Court deem fit and disburse with the death and other retirement benefits of respondent's employee late.Selvi.B.Marriyamma to the petitioner herein.

For Petitioner : Mr.P.Thiagarajan

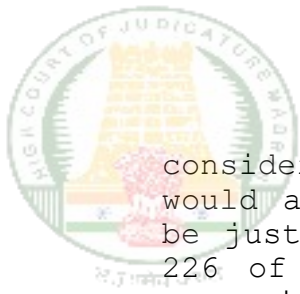
For Respondent : Mr.Raja Srinivas,
Standing Counsel

ORDER

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

2. Since the petitioner's request for disbursing the death and other retirement benefits of late.Selvi.B.Marriyamma to the respondent herein was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 03.11.2015, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent 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-



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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 Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the respondent herein to consider the petitioner's representation dated 03.11.2015 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondent to consider the petitioner's representation dated 03.11.2015 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

sbm

To

The Commissioner Corporation of Chennai,
Corporation of Chennai,
Ripon Building, Chennai-600 003.

+1 CC to Mr.K. Raja Srinivas, Advocate sr 31806.

W.P.No.34590 of 2016

GMI (CO)
SP(02/08/2021)