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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 05.10.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.21469 of 2021

(Through Video Conferencing)

T.Sekar

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Highways Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Chief Engineer,
Highways Department,
Ezhilagam, Chennai - 600 005.
Now designated as
The Director General of Highways,
Guidy, Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to implement the order passed by this Court in W.P.No.30115 of 2006 dated 16.03.2007.

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

O R D E R

The Petitioner claims to be a member of Chengai Maavatta Nedunchalai Graama Pani Thurai Thozhilalargal Munnetra Sangam who had filed a writ petition in W.P.No.30115 of 2006 for a mandamus to direct the Respondents therein who are the



Respondents herein also to appoint the members of the Petitioner's Association as Saalai Paniyaalargal (Road Masdoor) on a priority basis in the posts sanctioned under G.O.Ms.No.184, Highways (HM-2) Department, dated 29.05.1997.

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2. It is the case of the Petitioner that though the order came to be passed by this Court in W.P.No.30115 of 2006 vide order dated 16.03.2007, the request of the Petitioner for being appointed as a Saalai Paniyaalargal has not been considered by the Respondents. It is the further case of the Petitioner that the Petitioner sent a representation dated 27.04.2007 which did not yielded any positive response from the Respondents. Therefore, the Petitioner also sent a representation dated 02.06.2016 to the District Collector, Thiruvarur which was forwarded to the Divisional Engineer, Thiruvarur to take appropriate action as early as 03.06.2016. The Petitioner has sent yet another representation dated 31.08.2021 which also has not been evoked any response.

3. Appearing on behalf of the Respondents, the learned Government Advocate submits that the order passed by this Court in W.P.No.30115 of 2006 dated 16.03.2007 has not granted any positive relief to the Petitioners therein i.e., Chengai Maavatta Nedunchalai Graama Pani Thurai Thozhilalargal Munnetra Sangam. On the other hand, he submits that the writ petition was closed in the light of Government orders referred to therein. The learned Government Advocate further submits that in none of the representation of the petitioner there is any acknowledgment to prove that the representation was indeed filed. The learned Government Advocate further submits that through the order was passed as early as 16.03.2007, the Petitioner made a representation only in the year 2016 which was forwarded by the District Collector, Thiruvarur. Thereafter, the Petitioner has now filed another representation dated 31.08.2021 and therefore he submits that the writ petition is liable to be dismissed on account of laches as the Petitioner has not been vigilant in pursuant to the order.

4. In reply, the learned counsel for the Petitioner submits that the representation dated 16.03.2007 was pursuant to the order passed by this Court in W.P.No.30115 of 2006 vide order dated 16.03.2007 and G.O.Ms.No.184, Highways (HM-2) Department, dated 29.05.1997.

5. Since the order was passed by this Court on 16.03.2007 in W.P.No.30115 of 2006 and considering the fact that the Petitioner is still perusing his remedy afresh belatedly, this writ petition is disposed of by directing the Respondents to consider the representation dated 27.04.2007 and 31.08.2021 of the Petitioner on merits and in accordance with law within a



period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu
Highways Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director General of Highways,
Guidy, Chennai - 600 005.

+1cc to Mr.K.Sanjay, Advocate, S.R.No.52242

+1cc to the Government Pleader, S.R.No.52739

W.P.No.21469 of 2021

KG(CO)
SU(02/11/2021)