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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24117 of 2019
and
W.M.P.No.23912 of 2019

M.Manickam

...Petitioner

Vs

1.Superintending Engineer,
Highways C & M Circle,
Salem,
Salem District.

2.Divisional Engineer,
Highways and C & M division,
Edappadi,
Salem District.

3.Assistant Divisional Engineer,
Highways and C & M Sub Division,
Edappadi,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's appeal dated 02.08.2019 and pass orders within a reasonable time.

For Petitioner : Mr.N.Stalin

For Respondents: Mr.K.V.Sajeev Kumar,
Government Counsel

ORDER

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

2. The petitioner herein had sent a representation to the second respondent on 24.07.2019, requesting requesting cancellation of his transfer order. Subsequently, the petitioner has also sent a representation to the first respondent with regard to the same claim on 02.08.2019. Since the said claim of



the petitioner was not consider by the respondents herein, the present writ petition has been filed.

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 respondents 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-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 first respondent herein, to consider the petitioner's representation dated 02.08.2019 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 first respondent to consider the petitioner's representation dated 02.08.2019 on its own merits and pass appropriate orders in accordance with law, if not already disposed of, 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 stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Superintending Engineer,
Highways C & M Circle,
Salem,
Salem District.



2.Divisional Engineer,
Highways and C & M division,
Edappadi,
Salem District.

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3.Assistant Divisional Engineer,
Highways and C & M Sub Division,
Edappadi,
Salem District.

W.P.No.24117 of 2019
and
W.M.P.No.23912 of 2019

PM (CO)
B.VC (17/08/2021)