



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.81 of 2021

M.Marimuthu

...Petitioner

Vs.

The Secretary to Government cum Appellate Authority,
Highways and Minor Ports Department,
Fort St. George,
Secretariat, Chennai - 600 009.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to consider and pass orders on the petitioner's appeal dated 31.07.2020 within a stipulated period as fixed by this Court.

For Petitioner	: Mrs.M.Padmavathy
For Respondent	: Mr.S.R.Rajagopal, Additional Advocate General assisted by Mr.S.Dayalan Government Advocate

O R D E R

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

2.Since the petitioner's appeal aggrieved over the order of punishment, dated 12.06.2020, passed by the Director General of Highways Department, Chennai, before the respondent, was not considered, the Writ Petition has been filed. According to the petitioner, he has made the appeal on 31.07.2020 before the respondent through proper channel.

3. It is needless to point out that whenever an appeal/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 appeal/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 appeal dated 31.07.2020, within a stipulated time and thereby the ends of justice could be secured.



5. Accordingly, there shall be a direction to the respondent to consider the petitioner's appeal dated 31.07.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Secretary to Government cum Appellate Authority,
Highways and Minor Ports Department,
Fort St. George,
Secretariat, Chennai - 600 009.

+1 CC to M/s.SPL GP (SR-2035[F] dated 25/01/2021)

W.P.(MD) No.81 of 2021
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KB(09.02.2021) 2P 3C