



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2093 of 2021

WEB COPY

B.Vanajakumari

...Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai.

4.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and third respondents i.e., the Additional Chief Secretary to Government, Revenue Department, Chennai and the Accountant General (A&E), Chennai to pass appropriate orders on the petitioner's representation dated 20.11.2020 by taking necessary action for including her name in the PPO of her late husband Thiru B.V.Marimuthu as his nominee and for getting monthly family pension from the month of January 2019, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For R-1, R-2
and R-4 : Mr.P.Kannithevan
Additional Government Pleader

O R D E R

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



2. Since the petitioner's request to the respondents to take necessary action for including her name in the PPO of her Late husband Thiru B.V.Marimuthu as his nominee and for getting monthly family pension from the month of January 2019 were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 20.11.2020, 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 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 respondents 1 and 3 herein to consider the petitioner's representation dated 20.11.2020, 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 view 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 respondents 1 and 3 to consider the petitioner's representation dated 20.11.2020, on its own merits and pass appropriate orders in accordance with law, 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.

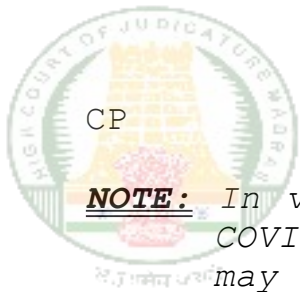
Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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

1.The Additional Chief Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

3.The Accountant General (A&E),
No.361, Anna Salai,
Teynampet,
Chennai.

4.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

+1 CC to SGP (SR-4033[F] dated 09/02/2021)

+1 CC to Mr.S.VISVALINGAM, Advocate (SR-3656[F] dated
08/02/2021)

W.P. (MD) No.2093 of 2021
08.02.2021

KM (18.02.2021) 3P 7C