



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2099 of 2021

(Through Video Conference)

WEB COPY

Dr.Kudavayil Balasubramanian

...Petitioner

Vs.

1.The Principal Secretary to Government,
School Education,
Government of Tamilnadu,
Secretariat,
Chennai 600 009

2. The District Collector/
Director - Saraswathi Mahal Library,
Thanjavur District,
Thanjavur.

3. The Administrative Officer,
Saraswathi Mahal Library,
Palace Complex,
Thanjavur - 2

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus, directing the Respondents to dispose the representation of the petitioner dated 24/09/2020, within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.M.Karunanithi

For RR 1 & 2 : Mr.N.Shanmugaselvam,
Additional Government Pleader

O R D E R

Since the petitioner's request to the respondents to dispose of the representation of the petitioner dated 24.09.2020 was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 30.06.2020, 24.09.2020, 10.11.2020 and on 07.12.2020, which are still pending.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty
<https://hcservices.ecourts.gov.in/hcservices/>



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.

3. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 24.09.2020, 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.

4. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 24.09.2020, 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.

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

Sd/-

Assistant Registrar (RTI ACT)

// 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.*

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To

1. The Principal Secretary to Government of Tamilnadu,
School Education,
Secretariat, Chennai 600 009

2. The District Collector/
Director - Saraswathi Mahal Library,
Thanjavur District, Thanjavur.

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3. The Administrative Officer,
Saraswathi Mahal Library,
Palace Complex, Thanjavur - 2

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+1 CC to M/s.SPL GP (SR-11498[F] dated 16/03/2021)

Order made in
W.P. (MD) No.2099 of 2021
Dated:
15.03.2021

GS (24.04.2021) 3P 5C