



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2062 of 2021

and W.M.P. (MD) .No.1738 of 2021

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T.Mariappa

...Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2.The Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Maligai 4th and 5th Floor,
Abdul Razaak Street,
Saidapet, Chennai - 600 015.

3.The District Collector,
Tenkasi District, Tenkasi.

4.The Block Development Officer,
Alangulam Union, Alangulam Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the appointment of the petitioner as driver in any one of the panchayat union under the control of the 3rd respondent based on the petitioner's representation dated 31.12.2020 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : M/s.J.Padmavathi Devi,

for R1 to R3

Special Government Pleader

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 request to the respondents to consider the appointment of the petitioner as driver in any one of the panchayat union under the control of the 3rd respondent, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 31.12.2020 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 fourth respondent herein to consider the petitioner's representation dated 31.12.2020, 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 fourth respondent to consider the petitioner's representation dated 31.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of one week 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 petitions are closed.

Sd/-

Assistant Registrar (W)

// 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

1.The Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.

2.The Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Maligai 4th and 5th Floor,
Abdul Razaak Street, Saidapet, Chennai - 600 015.

3.The District Collector, Tenkasi District, Tenkasi.

4.The Block Development Officer, Alangulam Union,
Alangulam Taluk, Tenkasi District.

+1 CC to MR.ANANTH C.RAJESH, Advocate (SR-3571[F] dated
05/02/2021)

+1 CC to SGP (SR-3803[F] dated 08/02/2021)

W.P. (MD) No.2062 of 2021
05.02.2021

KM (19.02.2021) 3P 7C