



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2597 of 2021

Palaniammal

...Petitioner

Vs.

- 1.The Commissioner,
Commissioner of Municipal Administration,
Administrative Complex,
MRC Nagar, 10th Floor,
No.65, Santhome High Road,
Raja Annamalaipuram, Chennai - 600 028.
- 2.The Director of Panchayat,
Audit companied Complex,
4th Floor,
Behind Veterinary Hospital, Nanthanam, Chennai.
- 3.The District Collector,
Theni District, Theni.
- 4.The Regional Director of
Municipal Administrative,
No.294, Melakkal Main Road, Kochadai, Madurai.
- 5.The Commissioner,
Theni - Allinagaram Municipality,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to pass appropriate orders on the proposal forwarded by the 5th respondent in Na.Ka.No.265/2018/H1, dated 11.07.2018, in respect of the disbursement of family pension to the petitioner, within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.A.Muthu Karuppan
Additional 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 pass appropriate orders on the proposal forwarded by the 5th respondent in Na.Ka.No.265/2018/H1, dated 11.07.2018, in respect of the disbursement of family pension to the petitioner, was not



considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 26.12.2020, 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 respondents herein to consider the petitioner's representation dated 26.12.2020, 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 respondents to consider the petitioner's representation dated 26.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

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Theni, Theni District.

+1 CC to M/s.GP (SR-5134[F] dated 15/02/2021)

W.P. (MD) No.2597 of 2021
12.02.2021

(SVN) CO

AP (23/02/2021) 3P 7C