



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3352 of 2021

Devaki

... Petitioner

Vs.

1. The Corporation Commissioner,
Madurai Corporation,
Madurai.

2. The Joint Commissioner,
Madurai Corporation,
Madurai.

3. Santhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 2 that to disburse the petitioners share in the death benefits of her son namely Pandiya Rajan, who served as Assistant in the 1st respondents corporation, by considering the petitioner's representation dated 18.09.2019 within the time limit that may be stipulated by this Court.

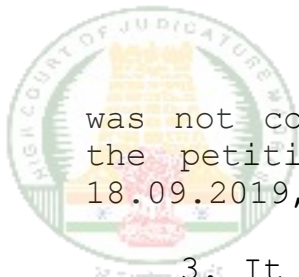
For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.R.Murali for R1 & R2
Standing Counsel

O R D E R

Mr.R.Murali, learned Standing counsel takes notice for the respondents 1 and 2. Since this Court, intend to direct the first respondent to consider the petitioner's representation on its own merits and also afford an opportunity to the third respondent herein, the notice to the third respondent is dispensed with. By consent of petitioner as well as the respondents 1 and 2, 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 disburse the petitioners share in the death benefits of her son namely Pandiya Rajan, who served as Assistant in the 1st respondents corporation,



was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 18.09.2019, 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 first respondent herein to consider the petitioner's representation dated 18.09.2019, 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 first respondent to consider the petitioner's representation dated 18.09.2019, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as the third respondent herein, within a period of three months 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 (CO)

// 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.*



1. The Corporation Commissioner,
Madurai Corporation,
Madurai.

2. The Joint Commissioner,
Madurai Corporation,
Madurai.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-6903[F] dated 24/02/2021)
+1 CC to Mr.R.MURALI, Advocate (SR-7009[F] dated 24/02/2021)

TM

TE : 10/03/2021 : 3P/5C

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