



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3686 of 2021

M.Radhakrishnan

...Petitioner

Vs.

1.The District Collector cum
Inspector of Panchayats,
Theni District.

2.The P.A.to Collector,
Office of the P.A. To Collector,
Theni District.

3.The Block Development Officer,
Andipatti Village Panchayat Officer,
Andipatti, Theni District.

4.The President,
Anuppapatti Village Panchayat,
Bodidasanpatti Post,
Andipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to revoke the petitioner's suspension on the basis of his representation dated 23.12.2020 and 05.02.2021 and reinstate as village Panchayat Secretary at any place in Theni District, within time stipulated by this Hon'ble court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.P.Kannithevan
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



revoke the petitioner's suspension and reinstate as village Panchayat Secretary at any place in Theni District, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representations in this regard on 23.12.2020 and 05.02.2021, which is still pending.

WEB COPY 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 third and fourth respondents herein to consider the petitioner's representations dated 23.12.2020 and 05.02.2021, 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 third and fourth respondents to consider the petitioner's representations dated 23.12.2020 and 05.02.2021, 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-III)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-7482[F] dated 26/02/2021)

Order made in
W.P. (MD) No.3686 of 2021
25.02.2021

ES(CO)

SRS (11/03/2021) 3P : 6C