



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4912 of 2021

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R.Ilamara Vazhuthi

...Petitioner

Vs.

1.The President,
MDA-HSG -77, Rameswaram Circle,
Co-operative Housing Society,
Having Office at Rameswaram,
Ramanathapuram District.

2.The Secretary,
MDA-HSG -77, Rameswaram Circle,
Co-operative Housing Society,
Having Office at Rameswaram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents herein to pay the Petitioner Subsistence Allowance with all arrears along with interest at the rate 12 percentage from the date of his suspension, i.e 26.08.2014, till date, by considering his Representations, dated 15.08.2016, 20.09.2016 and 15.02.2021, within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

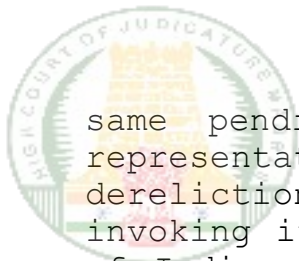
For Respondents : Mr.C.Ramar
Additional Government Pleader

O R D E R

By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.Since the petitioner's request to the respondents to pay the Petitioner Subsistence Allowance with all arrears along with interest at the rate 12 percentage from the date of his suspension, i.e 26.08.2014, till date, was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 15.08.2016, 20.09.2016 and 15.02.2021, 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.

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4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representations dated 15.08.2016, 20.09.2016 and 15.02.2021, 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 respondents to consider the petitioner's representations dated 15.08.2016, 20.09.2016 and 15.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 II)

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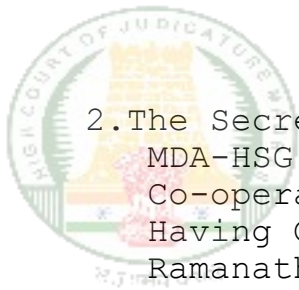
Sub Assistant Registrar(CS)

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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

1. The President,
MDA-HSG -77, Rameswaram Circle,
Co-operative Housing Society,
Having Office at Rameswaram,
Ramanathapuram District.



2.The Secretary,
MDA-HSG -77, Rameswaram Circle,
Co-operative Housing Society,
Having Office at Rameswaram,
Ramanathapuram District.

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+1 CC to M/s.J.LAWRANCE, Advocate (SR-9751[F] dated 10/03/2021)

W.P. (MD) No.4912 of 2021
09.03.2021

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MJ (CO)

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