



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5797 of 2021

and W.M.P. (MD) .Nos.4558 & 4559 of 2021

WEB COPY

L.Jothimani

...Petitioner

Vs.

1.The Principal Secretary to Government,
Public Work (A2) Department,
St. George Fort,
Chennai.

2.The Engineer-in-Chief and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 5.

3.Mr.K.Ramamoorthy

4.The Project Director (CAVSCDP) &
The Chief Engineer (WRD),
Public Works Department,
Trichy Region,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in G.O. (Rt.) No.56 Public Works (A2) Department, dated 17.02.2021 and quash the same as illegal.

For Petitioner	: Mr.P.Gunasekaran
For Respondent	: Mr.P.Mahendran for R1, 2 & 4 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.Though the petitioner has sought for issuance of a writ of Certiorari, to quash the the impugned order passed by the 1st respondent in G.O.(Rt.) No.56 Public Works (A2) Department, dated 17.02.2021, as illegal, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 05.01.2021 given by the petitioner, is directed to be considered by the respondents within a stipulated time.



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 05.01.2021, 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 representation dated 05.01.2021, 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

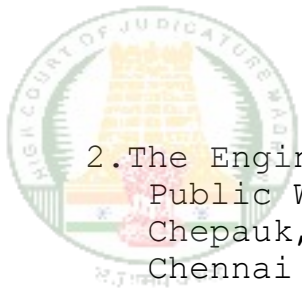
TM

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 Principal Secretary to Government,
Public Work (A2) Department,
St. George Fort,
Chennai.

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



2.The Engineer-in-Chief and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 5.

3.The Project Director (CAVSCDP) &
The Chief Engineer (WRD),
Public Works Department,
Trichy Region,
Trichy District.

+1 CC to M/s.SPL GP (SR-11850[F] dated 17/03/2021)

W.P. (MD) No.5797 of 2021
16.03.2021

RK (22.04.2021) 3P 5C

=