



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6174 of 2021

Thirumalaikumar

...Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
St. George Fort,
Chennai.

2.The Commissioner of Revenue Administration
and Disaster Management,
O/o. Commissioner of Revenue Administration
and Disaster Manager,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Tenkasi District,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 19.08.2020 for the purpose of transfer of the petitioner to his native place i.e., Tenkasi District as was granted in respect of the similarly placed persons by the 2nd respondent vide his proceedings in செ.மு.ஆ.எண்.பணி.5(4)/1324/2019, dated 09.02.2021, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mrs.J.Padmavathi Devi
Special 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



transfer the petitioner to his native place i.e., Tenkasi District as was granted in respect of the similarly placed persons by the 2nd respondent vide his proceedings in செ.மு.ஆ.எண்.பணி.5(4)/1324/2019, dated 09.02.2021 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 19.08.2020, 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 third respondent herein to consider the petitioner's representation dated 19.08.2020, 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 third respondent to consider the petitioner's representation dated 19.08.2020, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// 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 presented is the correct copy,

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shall be the responsibility of the
advocate/litigant concerned.

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue and Disaster Management Department,
St. George Fort, Chennai.

2.The Commissioner of Revenue Administration
and Disaster Management,
O/o. Commissioner of Revenue Administration
and Disaster Manager,
Chepauk, Chennai - 600 005.

3.The District Collector,
Tenkasi District,
Tenkasi.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12385[F] dated
19/03/2021)

W.P. (MD) No.6174 of 2021
18.03.2021

SRK (CO)
TR(21.04.2021) 3P 5C