



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6175 of 2021

and W.M.P. (MD) .No.4794 of 2021

N.Manonmani

...Petitioner

Vs.

1.The Director of Municipal Administration,
O/o. The Director of Municipal Administration,
Chennai - 5.

2.The Commissioner of Madurai Corporation,
O/o. the Commissioner of Madurai Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to provide subsistence allowance to the petitioner from the month of June 2020 to till date, within the time period stipulated by this Court.

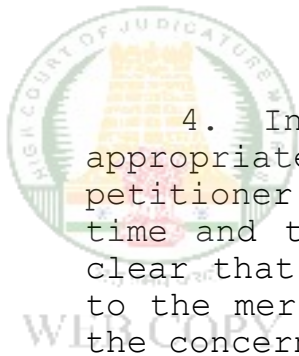
For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.A.Muthu Karuppan for R1 Additional Government Pleader Mr.S.Chellapandian for R2 Standing Counsel

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 provide subsistence allowance to the petitioner from the month of June 2020 to till date, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 06.03.2021, 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.



4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representations dated 06.03.2021, 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 06.03.2021, 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 petition is closed.

Sd/-

Assistant Registrar (CSII)

// 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.

To

1. The Director of Municipal Administration,
O/o. The Director of Municipal Administration, Chennai - 5.

2. The Commissioner of Madurai Corporation,
O/o. the Commissioner of Madurai Corporation, Madurai.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-12508[F] dated 19/03/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12647[F] dated 22/03/2021)

+1 CC to M/s.SPL GP (SR-12716[F] dated 22/03/2021)

W.P. (MD) No.6175 of 2021
19.03.2021

SMV (CO)

KB(16.04.2021) 2P 5C

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