



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.6565 of 2021

and

W.M.P. (MD) No.5100 of 2021

1.D.Ilayaraja

2.Minor Soundarya

3.Minor Sri Harish Pandian ...Petitioners
(Minors Petitioners 2 & 3 rep. by their
father 1st petitioner herein)

Vs.

1.The Director of Medicine and
Rural Welfare Services,
Office of the Director of Medicine and
Rural Welfare Services,
Chennai 600 006.

2.The Joint Director of Welfare Services,
Office of the Joint Director of Welfare Services,
Ramanathapuram District.

3.The Hospital Superintendent,
Government Head Quarters Hospital,
Ramanathapuram,
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 due compensation to the petitioners herein payable under the Honble Chief Ministers Relief Fund for Covid-19 martyrs for the loss of life of the 1st petitioner's wife and mother of minor petitioners viz., I.Kalaiselvi, within a reasonable time as may be fixed by this Court.

For Petitioners : Mr.S.Srinivasa Raghaan

For Respondents : Mr.P.Kannidevan

Additional Government Pleader

ORDER

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



2. Since the petitioners' request to the respondents to pay compensation to them, was not considered, the writ petition has been filed. According to the petitioners, they have made a representation in this regard on 15.09.2020, which is still pending.

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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 1st respondent herein to consider the petitioners' representation dated 15.09.2020 as forwarded by the 2nd respondent to the 1st respondent on 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 1st respondent to consider the petitioners' representation dated 15.09.2020, as forwarded by the 2nd respondent to the 1st respondent on 19.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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(Records)

// True Copy //

/ /2021

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



To

1.The Director of Medicine and
Rural Welfare Services,
Office of the Director of Medicine and
Rural Welfare Services,
Chennai 600 006.

2.The Joint Director of Welfare Services,
Office of the Joint Director of Welfare Services,
Ramanathapuram District.

3.The Hospital Superintendent,
Government Head Quarters Hospital,
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Ramanathapuram District.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-13685[F] dated
25/03/2021)

W.P. (MD) No.6565 of 2021
24.03.2021

SMV(CO)
TR(17.04.2021) 3P 5C