



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD)No.6947 of 2021

and

W.M.P. (MD)No.5337 of 2021

S.Venseslas

... Petitioner

/vs./

1. The Director of Adi-Dravida Welfare,
Chepauk, Chennai - 600 005.
2. The District Adi-Dravida Welfare Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
3. The Headmaster,
Government Tribal Residential Higher Secondary School,
Pechiparai, Kanyakumari District.
4. The Headmaster,
Government Adi-Dravida Welfare Higher Secondary School,
Kalingarajapuram,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refund the petitioner the sum of Rs.1,52,933/- with interest by considering the petitioner's representation dated 25.07.2019.

For Petitioner	: Mr. K.Ragatheesh Kumar for Isaac Chambers
For Respondents	: Mr. A.Muthukaruppan 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 petitioner's request to the respondents to refund a sum of Rs.1,52,933/- with interest to him was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 25.07.2019, 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 first respondent herein to consider the petitioner's representation dated 25.07.2019, 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 first respondent to consider the petitioner's representation dated 25.07.2019, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (T & P)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS-)

To

1. The Director of Adi-Dravida Welfare,
Chepauk, Chennai - 600 005.
2. The District Adi-Dravida Welfare Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
3. The Headmaster,
Government Tribal Residential Higher Secondary School,
Pechiparai, Kanyakumari District.



4. The Headmaster,
Government Adi-Dravida Welfare Higher Secondary School,
Kalingarajapuram,
Kanyakumari District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-14712[F] dated 31/03/2021)

+1 CC to M/s. SPL GP (SR-14843[F] dated 31/03/2021)

ES (CO)

SMN : 11/05/2021 : 3P/7C.

Order made in
W.P. (MD)No.6947 of 2021
30.03.2021