



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7301 of 2021

C.Rajamani

...Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Director of Local Fund Audit,
Integrated Finance Department Office Complex,
4th Floor, Nandanam, Chennai - 600 035.

4.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi District,
Thoothukudi - 628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents i.e. the Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai and the Commissioner of Municipal Administration, Chennai, may be specifically directed to refund the recovery of Rs.72,000/- already made to the petitioner as per the directions in WP(MD).No.15409 of 2014, dated 13.11.2019 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents: Mr.A.Muthu Karuppan for R1 to R3
Additional Government Pleader

Mr.Saji Bino for R4

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 refund the recovery of Rs.72,000/- already made to the petitioner as per the directions in WP(MD).No.15409 of 2014, dated 13.11.2019, was not



considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 30.01.2021, 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 second respondent herein to consider the petitioner's representation dated 30.01.2021, 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 second respondent to consider the petitioner's representation dated 30.01.2021, 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.

Sd/-

Assistant Registrar ()

// 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.

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



To

1.The Principal Secretary to Government,
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Secretariat, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
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3.The Director of Local Fund Audit,
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Thoothukudi District, Thoothukudi - 628 002.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-14681[F] dated
31/03/2021)

+1 CC to M/s.SPL GP (SR-14998[F] dated 01/04/2021)

W.P. (MD) No.7301 of 2021
31.03.2021

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RK (19.04.2021) 3P 7C