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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13517 of 2022
and
W.M.P.No.12704 of 2022

T.Gnanavel,
Executive Engineer,
Coimbatore City Municipal Corporation. ...Petitioner

Vs

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

2.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

3.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 19.04.2022 seeking re-transfer to his parent department ie. Coimbatore City Municipal Corporation and to pass appropriate orders within a reasonable period as may be fixed by this Hon'ble Court and meanwhile the 3rd respondent may be restrained from vacating the family of the petitioner from the rental quarters.

For Petitioner : Mr.SN.Ravichandran

For R1 & R2 : Mr.T.Chezhiyan
Additional Government Pleader

For R3 : Mr.K.Natarajan

ORDER

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

2. The petitioner herein had given a representation to the 1st respondent on 19.04.2022 to re-transfer to his parent department i.e., Coimbatore City Municipal Corporation and



meanwhile the 3rd respondent may be restrained from vacating the family of the petitioner from rental quarters. Since the said representation was not considered, the present writ petition has been filed.

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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, there shall be a direction to the 1st respondent herein to consider the petitioner's representation dated 19.04.2022 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. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/dua
To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram, Chennai - 600 028.
- 3.The Commissioner,
Coimbatore City Municipal Corporation, Coimbatore - 641 001.

+1cc to Mr.SN.Ravichandran, Advocate SR.No.32003

W.P.No.13517 of 2022

pmk (CO)

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A.SR(17/06/2022)