

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13553 of 2022
and W.M.P.No.12751 of 2022

K.Sadasivam

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ribbon Building, Park town,
Chennai - 600 003.

2.The Chairman/Assistant Commissioner,
Town vending committee,
Zone - 9, Divn.-24, Ward - 111,
Corporation of Chennai,
Nungambakkam, Chennai - 34.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 13.05.2022 and permit the petitioner to run mobile bunk shop at the entrance of Sundar Avenue, opposite to Kannammai Building, Thousand lights, Chennai - 600 006.

For Petitioner : Mr.S.Pushpakaran

For Respondents: Mr.P.Manoj Kumar

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 respondents on 13.05.2022 seeking to permit the petitioner to run mobile bunk shop at the entrance of Sundar Avenue, Opposite to Kannammai Building, Thousand Lights, Chennai - 06. Since the said representation was not considered, the present writ petition has been filed.

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 first respondent herein to consider the petitioner's representation dated 13.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks 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. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Dua/Pns

To

1.The Commissioner,
Corporation of Chennai,
Ribbon Building, Park town,
Chennai - 600 003.

2.The Chairman/Assistant Commissioner,
Town vending committee,
Zone - 9, Divn.-24, Ward - 111,
Corporation of Chennai,
Nungambakkam, Chennai - 34.

+1 cc to Mr.S.Pushpakaran, Advocate Sr.NO. 32027

W.P.No.13553 of 2022
and W.M.P.No.12751 of 2022

pmk (CO)

A.SK(17/06/2022)