



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.13570 OF 2022

AND

W.M.P.NO.12776 OF 2022

K.Kalaiivanan

... Petitioner

Vs.

1. The Commissioner,
State Commissionerate for Welfare
of the Differently abled
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Park town,
Chennai - 600 003.
3. The Chairman/Assistant Commissioner,
Town Vending Committee,
Zone-5, Corporation of Chennai,
81, Basin Bridge Road,
Moolakothalam, Chennai - 600 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 14.05.2022 and permit the petitioner to run mobile bunk shop at No.862, Kabalamoorthy Road, Chinthadripet, Chennai - 2.

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 14.05.2022 seeking for permission to run the bunk shop. 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 the 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 third respondent herein to consider the petitioner's representation dated 14.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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 disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Sni/Vsi2



To

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+1cc to Mr.S.Pushpakaran, Counsel for the Petitioner,
S.R.No.32026

W.P.No.13570 of 2022

KJ(CO)
RLP(23/06/2022)