



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.S. RAMESH
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.13843 of 2022

K.Muruganantham

..Petitioner

Vs

1. The State Election Commissioner
The Office of the State Election Commission
No.208/2, Jawaharlal Nehru Road
Arumbakkam, Chennai - 600 107.

2. The District Collector
Office of the District Collector
Ariyalur District.

..Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation dated 05.05.2022 to announce and conduct the bye-election to the post of the president in Reddipalayam Panchayath, Ariyalur District within the time stipulated.

For Petitioner : Mr.A.Prakash

For Respondents: Mr.T.Chezhiyan
Additional Government Pleader
for respondent 2
Mr.Sivashanmugam
for respondent 1

ORDER

(Order of the Court was made by M.S.Ramesh,J)

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 05.05.2022 seeking to announce and conduct the bye-election to the post of the president in Reddipalayam Panchayath, Ariyalur District. 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 05.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kpl/drm

To

1. The State Election Commissioner
The Office of the State Election Commission
No.208/2, Jawaharlal Nehru Road
Arumbakkam, Chennai - 600 107.

2. The District Collector
Office of the District Collector
Ariyalur District.

+lcc to Mr.A.Prakash, Petitioner Advocate, S.R.No.32010
+lcc to the Government Pleader, S.R.No.32247

W.P.No.13843 of 2022

NR(CO)
RGA(27/06/2022)