



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13723 of 2022
and
W.M.P.No.13010 of 2022

Bakayaraj,
S/o. Kannan

...Petitioner

Vs

1.The Principal Secretary
Rural Development,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Election Commission Panchayats,
Koyambedu,
Chennai-600 106.

3. The Director
Rural Development of Panchayat Directorate,
Panagal Maligai,
Saidapet, Chennai-600 015.

4. The District Collector,
Vellore District,
Vellore.

5. Kalpana,
W/o. Suresh

...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 petitioner representation dated 02.05.2022 in accordance with law and take appropriate action to remove 5th respondent from President of Panchayat, Tholapalli, Anaikattu Taluk, Vellore District declaring the petitioner as duly elected panchayat president of Tholapalli Panchayat from 09.10.2021 to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.E.Vijay Anand,

Additional Government Pleader
for R1, R3 & R4

Mr.Shivashannmugam for R2



ORDER

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

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2. The petitioner herein had given a representation to the 1st respondent on 02.05.2022 seeking to take appropriate action to remove 5th respondent from the post of President, Tholapalli Panchayat, Anaikattu Taluk, Vellore District and to declare the petitioner as duly elected President of Tholapalli Panchayat from 09.10.2021. 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 02.05.2022 on its own merits and pass appropriate orders in accordance with law as expeditiously as possible after giving opportunity to the 5th respondent. 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. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(v.o)

//True Copy//

Sub Assistant Registrar

rpp/kst

To

1.The Principal Secretary
Rural Development,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

2.The Election Commission Panchayats,
Koyambedu, Chennai-600 106.



3. The Director
Rural Development of Panchayat Directorate,
Panagal Maligai,
Saidapet, Chennai-600 015.

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4. The District Collector,
Vellore District,
Vellore.

+2 ccs to Mr.R.Sankarasubbu, Advocate Sr.NO. 32644, 32059

W.P.No.13723 of 2022

mt(CO)
A.SK(16/06/2022)