



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9510 of 2022

Kalyani

...Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Musiri Taluk, Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Trichy District.

4.Nagappan

5.Kathirvel

6.Kanagalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take necessary action against the respondents 4 to 6 by conducting an enquiry based on the petitioner's representation dated 03.05.2022 within a stipulated time as fixed by this Court.

For Petitioner : Mr.A.Joel Paul Antony
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

O R D E R

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

2.Since the petitioner's request to the respondents 1 to 3 to take necessary action against the respondents 4 to 6 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 03.05.2022, which is still pending.

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, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 03.05.2022, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view 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. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 03.05.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 4 to 6 and any other persons who may be interested in the subject matter.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn/sji

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District, Trichy.



2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Musiri Taluk, Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.9510 of 2022

06.05.2022

CK (CO)

GC(24.05.2022) 3P 5C