



WP(MD)No.11641 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.11641 of 2022
and
W.M.P.(MD)No.8227 of 2022

Pitchaimani

... Petitioner

/vs./

The Assistant Director &
P.A. To District Collector,
(Survey and Land Records),
Theni.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to review the order of suspension passed in his proceedings Roc.A1/3659/2021 dated 05.10.2021 in the light of the Honble Apex Court Judgment reported in 2015 3 CTC 119 (Ajay Kumar Choudary Vs. Union of India and others).

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.G.Suriyananth

Additional Government Pleader



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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 01.02.2022 seeking for review of the order of suspension passed in Proceedings Roc.A1/3659/2021 dated 05.10.2021. 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.



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4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 01.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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. Consequently, connected Miscellaneous Petition is closed.

24.06.2022

Index : Yes / No

Internet : Yes / No

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TO:

The Assistant Director &
P.A. To District Collector,
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M.S.RAMESH, J.

Sm

Order made in
W.P.(MD)No.11641 of 2022

Dated:
24.06.2022