



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.12142 of 2022

D.Shanmugasundaram
District Secretary,
Tamil Nadu Government Fair Price Shops Employees Union
No.52, Savukandi Street,
Pattukottai Taluk,
Thanjavur - 614 601.

... Petitioner

Vs.

1.The Secretary,
Department of Co-operation, Food and Consumer Protection,
Secretariat,
Chennai - 09.

2.The Commissioner,
Department of Civil Supplies and Consumer Protection,
Elizhagam, Chepakam,
Chennai - 05.

3.The Registrar,
Cooperative Societies,
Department of Co-Operation,
Keelpakkam, Chennai 10.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to implement the decision of government in serial No. 8, 9, 10 and 11 of G.O. (Ms).No. 76, dated 15.07.2019 of Department of Cooperative, Food and Consumer Protection by considering the Tamil Nadu Government fair price shops Employees Union's representation, dated 12.04.2022, given to 1st respondent within a time stipulation by this Court.

For Petitioner : Mr.P.Karthick
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

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 12.04.2022 seeking to implement the decision of Government in serial No. 8, 9, 10 and 11 of G.O. (Ms).No. 76, dated 15.07.2019 of Department of Cooperative, Food and Consumer Protection. 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 12.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three **(3)** months 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-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Department of Co-operation, Food and Consumer Protection,
Secretariat,
Chennai - 09.



2.The Commissioner,
Department of Civil Supplies and Consumer Protection,
Elizhagam, Chepakkam,
Chennai - 05.

3.The Registrar,
Cooperative Societies,
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Keelpakkam, Chennai 10.

+1 CC to M/s.M. BEEMARAO, Advocate (SR-26699[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27088[F] dated 21/06/2022)

W.P. (MD) No.12142 of 2022
20.06.2022

vr (CO)
TR(28.06.2022) 3P 6C