



W.P.(MD).No.15968 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.15968 of 2022

P.Selvaraj

... Petitioner

Vs.

1.The Deputy Registrar (Housing),
Virudhunagar Division,
Virudhunagar District.

2.The President,
MDA-HSG-109, Rajapalayam Taluk Co-operative
Housing Society Limited,
Rajapalayam,
Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay subsistence allowance to the petitioner from the date of suspension (06.09.2021) as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981, based on his representation dated 29.06.2022.

For Petitioner : Mr.George Paul Anto

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
Assisted by Mr.M.Ramesh,
Government Advocate.



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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 29.06.2022 seeking for payment of subsistence allowance from the date of suspension (06.09.2021) as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981. 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 second respondent herein to consider the petitioner's representation, dated 29.06.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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. There shall be no order as to costs.

22.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr

To

1. The Deputy Registrar (Housing),
Virudhunagar Division,
Virudhunagar District.

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M.S.RAMESH, J.

Lm/btr

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