

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2022**

CORAM:

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

W.P.(MD)No.16976 of 2022

D.Jegadeesh Rajan

... Petitioner

/vs./

1.The Secretary to Government,
Government of Tamilnadu,
Law Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.V.Muthukrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to consider the representations of the petitioner, dated 29.04.2022 and 25.07.2022 respectively in accordance with law by cancelling the appointment of the third respondent as Government Pleader, vide G.O. (D) No.1299, dated 11.11.2021, at Valliyoor combined Courts, Valliyoor, Tirunelveli District.

For Petitioner : M/s.K.Sivabalan
For R-1 & R-2 : Mr.G.Suriyananth,
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents on 29.04.2022 and 25.07.2022 seeking to take action immediately against the third respondent and remove him from the post of Government Pleader at Valliyoor combined Courts, Valliyoor, Tirunelveli District. Since the said representations were 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 second respondent herein to consider the petitioner's representations dated 29.04.2022 and 25.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

01.08.2022

Index : Yes / No
Internet : Yes / No
btr/lm

To

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2.The District Collector,
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WP(MD)No.16976 of 2022

M.S.RAMESH, J.

btr/lm

Order made in
W.P.(MD)No.16976 of 2022

Dated:
01.08.2022