



WP(MD)No.18111 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2022**

CORAM:

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

W.P.(MD)No.18111 of 2022

K.Ramasubbu

... Petitioner

vs.

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai-600 009.

2.The Director General of Highways,
Guindy,
Chennai-600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Highways and Minor Ports Department, Chennai to pass appropriate orders on the petitioner's representation dated 14.10.2019 regarding payment of interest for belated payment of DCRG within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : 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 14.10.2019 seeking for payment of interest for belated payment of DCRG benefits. The Chief Engineer, Construction and Maintenance, Highways Department, Chennai, had sent a proposal to the second respondent in this regard on 14.11.2019. 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 first respondent herein to consider the petitioner's representation dated 14.10.2019, in the light of the proposal made by the Chief Engineer, Construction and Maintenance, Highways Department, Chennai, dated 14.11.2019, to the second respondent on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

11.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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