



WP(MD)No.19643 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM:

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

W.P.(MD)No.19643 of 2022

1.T.Prakash
2.Vijayakumar
3.R.Rajadurai
4.Raghavan
5.M.Prabhu

... Petitioners

/vs./

The Commissioner,
Madurai City Corporation,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to pay the honorarium to the petitioners for performing the election duties in connection with the elections to Urban Local Bodies 2022 on the basis of the proceedings issued by the Secretary, Tamil Nadu State Election Commission, Chennai at Rs. 24,500/- each and by considering petitioners' representation dated 30.07.2022 and 17.08.2022 within the time stipulated by this Court.

For Petitioners : Mr.A.R.Kannappan
For Respondent : Mr.S.Vinayak
Standing Counsel



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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 respondent on 30.07.2022 and 17.08.2022 seeking to pay the honorarium for performing the election duties. 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 petitioners' representation, dated 30.07.2022 and 17.08.2022 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. No costs.

25.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

The Commissioner,
Madurai City Corporation,
Madurai.



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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD) No.19643 of 2022

25.08.2022