



WP(MD)No.20106 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2022

CORAM:

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

W.P.(MD)No.20106 of 2022

S.Kamaraj

... Petitioner

/vs./

1.The Principal Secretary/
Special Commissioner (incharge),
Social Welfare and Nutritions Programme Department,
St.George Fort, Chennai.

2.The Commissioner,
Social Defence Department,
300, Purasaivakkam High Road,
Chennai 10.

3.The Superintendent,
Government Children Home for Boys,
Tanjore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to release the arrears of the subsistence allowances of the petitioner with interest from the period of 04.04.2009 to 17.06.2012 within stipulated time.

For Petitioner : Mr.S.A.Ajmalkhan
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 04.07.2022 seeking to release the subsistence allowance with interest. 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 second respondent herein to consider the petitioner's representation, dated



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04.07.2022 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. No costs.

29.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD) No.20106 of 2022

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