



WEB COPY



W.P.No.4954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4954 of 2023

L.Chandrasekaran

...Petitioner

Vs

1.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai – 600 015.

2.The District Forest Officer,
Salem Forest Division,
Salem District.

3.The Conservator of Forest,
Salem Forest Region,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 29.12.2022 to implement the transfer order passed by second respondent in Na.Ka.No.5186/2021/P1 dated 09.09.2021 transferring the petitioner from Peththanaickanpalayam Social Forestry Range, Social Forestry and Extension Division to



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Servarayan South Circle, Salem Forest Division, Salem District with a limited time frame.

For Petitioner : Mr.T.Dharani

For Respondents : M/S.E.Indumathi
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the third respondent on 29.12.2022, seeking implementation of transfer order passed by the second respondent. 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



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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 respondents concerned to consider the petitioner's representation dated 29.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order
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M.S.RAMESH,J.

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