



WEB COPY



W.P.No.5406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5406 of 2023

Mary Agnes Gnanam

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Health and Family Welfare,
Chennai – 600 009.

2.The Directorate of Medical &
Rural Services,
No.359, DMS Complex,
361, Anna Salai, Chennai - 600 006.

3.The Medical Officer,
Bhavani Government Hospital,
Erode - 638 301.

4.The Joint Director of Health Services,
Government Hospital Premises,
Erode - 638 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to return the petitioner's money spent on NSC bond, procure the bills dated



W.P.No.5406 of 2023

16.11.2015, either original or copy, as per the 2nd respondent letter dated 03.11.2022, sent to the 4th respondent.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Ms.M.Jayanthi,
Additional Government Pleader

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 respondents on 12.02.2022, seeking for return of the money spent on the NSC Bond. 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



W.P.No.5406 of 2023

WEB COPY

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 2 to 4 herein to consider the petitioner's representation dated 12.02.2022 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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

23.02.2023

Index: Yes/No
hvk



WEB COPY



W.P.No.5406 of 2023

M.S.RAMESH,J.

hvk

To

- 1.The Principal Secretary,
Department of Health and Family Welfare,
Chennai – 600 009.
- 2.The Directorate of Medical &
Rural Services,
No.359, DMS Complex,
361, Anna Salai, Chennai - 600 006.
- 3.The Medical Officer,
Bhavani Government Hospital,
Erode - 638 301.
- 4.The Joint Director of Health Services,
Government Hospital Premises,
Erode - 638 009.

W.P.No.5406 of 2023

23.02.2023