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W.P.No.22694 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.22694 of 2015

G.Gunasekaran

... Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-9.

2.Director of Collegiate Education
College Road, Chennai-600 006.

3.R.Shanthi
W/o.Rajendran
Assistant Professor,
Chemistry Department
Government Arts College,
Tiruvannamalai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 20.04.2015.

For Petitioner	: Mr.R.Purushothaman
For R1 & R2	: M/s. C.Sangamithirai Special Government Pleader
For R3	: Mr.B.Gopalakrishnan for Mr.B.Kumarasamy



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ORDER

This Writ Petitioner is filed seeking for Mandamus directing the respondent to consider the representation of the petitioner dated 20.04.2015 and pass appropriate orders.

2. According to the learned counsel for the petitioner that petitioner being Civil Engineer has constructed single house and sold the same to third respondent by way of executing sale deed. The third respondent who has agreed to purchase the house for a sum of Rs.22,010,00/- has paid Rs.7,61,000/-. The balance amount was paid by way of two separate cheques for Rs.7,25,000/- and Rs.7,15,000/-. Both the cheques were returned as insufficient funds, thereby petitioner after issuance of statutory notice, has filed complaint before the Judicial Magistrate, Fast Track Court, Tiruvannamalai in C.C.No.59 of 2011 against the third respondent under Section 138 of the Negotiable Instrument Act. The Criminal case ended in convicting imposing imprisonment for a period of six months and to pay the compensation equivalent to the cheque amount namely Rs.14,40,000/- within a period of two months. However, third respondent did not paid the said



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amount. First and second respondents have not initiated any action against the third respondent for non payment of the above said amount, even after recording conviction in a criminal case, therefore petitioner has filed a representation dated 20.04.2015, before the first and second respondents and sought for suitable direction.

3. Learned Special Government Pleader appearing for the first and second respondents submitted that third respondent has preferred Criminal Appeal aggrieved by the conviction in C.C.No.59 of 2011 and same was also dismissed and representation of the petitioner will be considered and disposed of as per law taking into consideration of the dismissal of the Criminal Appeal filed by the third respondent.

4. Learned counsel for the third respondent would submit that in the meanwhile third respondent is retired from service, therefore this Writ Petition has become infructuous.

5. Heard both sides and perused the material placed on record.

6. This Writ Petition is disposed of directing first and second



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respondents to consider the representation of the petitioner dated 20.04.2015

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Dr. D. NAGARJUN, J.

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and pass appropriate orders as quickly as possible, not later than four weeks from the date of receipt of copy of this order as per the procedure established. No costs.

06.12.2023

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Index: Yes/No

Speaking Order: Yes/No

To

1. The Secretary to Government,
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