



W.P.No.5135 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.5135 of 2023

D.Praveen Kumar

...Petitioner

Vs

1.The Secretary to Government,
Home Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Police,
Armed Police,
Kilpauk, Chennai – 600 010.

3.The Director General of Police,
Mylapore, Chennai – 600 004.

4.The Commandant,
TSP XV Battalion,
Sevur, Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the representation of the petitioner dated 19.01.2023 within a reasonable period.



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For Petitioner : Mr.T.Ranganathan

For Respondents : M/s.E.Indhumathi,
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 first respondent on 19.01.2023, seeking for a direction to modify the order of removal from service and restore him in service. 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



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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 first respondent herein to consider the petitioner's representation dated 19.01.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.

22.02.2023

Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

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To

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