



W.P.No.5712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5712 of 2023

and

W.M.P.No.5719 of 2023

R.Rama Raja

...Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

2.Dr.M.Raja, Asst. Health Officer (Medicine Department),
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to hold and enquiry in pursuance of the representation dated 23/07/2022, acknowledged on 25/07/2022 consequently withhold the terminal benefits of the second respondent, till the matter is adjudicated by the first respondent.

For Petitioner : Mr.K.N.Nataraj

For Respondents : Mr.S.Gopinathan



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ORDER

WEB COPY 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 representation to the 1st respondent 23.07.2022, seeking information under the Right to Information Act, 2005 with regard to complaint given against her husband. 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 1st respondent 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.



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4. In the light of the above observations, there shall be a direction to the 1st respondent herein to consider the petitioner's representation dated 23.07.2022 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the 2nd respondent, within a period of twelve 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 1st respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs. Consequently, the connected miscellaneous petition is closed.

27.02.2023

Index: Yes/No

Speaking order/Non-speaking order
dm

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

2. Dr. M. Raja, Asst. Health Officer (Medicine Department),
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.



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M.S.RAMESH,J.

dm

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