



W.P.No.5769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Devendiran

...Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies,
Collectorate, Dharmapuri,
Dharmapuri District.

2.The Managing Director,
D.S.Subramania Siva Cooperative Sugar Mills,
Gopalapuram, Alapuram Post,
Papireddipatti Taluk,
Dharmapuri District.

3.The President,
Employees Cooperative Thrift and Credit Society,
D.S.Subramania Siva Cooperative Sugar Mills Branch,
Gopalapuram, Alapuram Post,
Papireddipatti Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to disburse the petitioner's retirement benefits together with



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interest along with wrongly deducted loan amount obtained by the disappeared person from the petitioner's retirement benefits to the petitioner.

For Petitioner : Mr.C.Prakasam
For R1 : Mr.E.Sundaram,
Government Advocate
For R2 & R3 : Mr.Anandan,
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 representations to the respondents on 22.04.2022 and 17.06.2022, seeking to disburse his retirement benefits together with interest along with wrongly deducted loan amount obtained by the disappeared person from his retirement benefits. Since the said representations were not considered, the present writ petition has been filed.



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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 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 and second respondents herein to consider the petitioner's representations dated 22.04.2022 and 17.06.2022 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.



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

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Index: Yes/No
Speaking order/Non-speaking order
hvk

To

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3. The President,
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M.S.RAMESH,J.

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