



W.P.No.5828 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5828 of 2023

R. Raghu

... Petitioner

Vs.

1.The Director,
Department of Agricultural Marketing and
Agri Business,
Cipet Road, Industrial Estate,
Guindy, Chennai – 600 032.

2.The Secretary,
Cuddalore Market Committee,
Cuddalore District.

3.The Superintendent,
Regulated Market,
Panruti,
Cuddalore Regulated Market,
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 15.02.2023 in order to retain the petitioner as Junior Assistant in Regulated Market, Panruti or to transfer the petitioner in any other Regulated Market within



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the Cuddalore District, without being subjected to any District transfer.

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For Petitioner : Mr.G. Sankaran,
Senior Counsel
for Mr.S. Nedunchezhiyan

For Respondents : Mr.R.V. Dinesh Kumar,
Additional Government Pleader [R1]
Mr.C. Sathish,
Government Advocate [R2 & R3]

ORDER

Mr.R.V. Dinesh Kumar, learned Additional Government Pleader, takes notice for 1st respondent and Mr.C. Sathish, learned Government Advocate, takes notice for 2nd and 3rd respondents. 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 15.02.2023, seeking to retain him as Junior Assistant in Regulated Market, Panruti or to transfer him in any other Regulated Market within Cuddalore District. Since the said representation was 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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 15.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of one (1) week 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.

M.S.RAMESH, J.



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

28.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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