



W.P.No.6692 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6692 of 2023

A.Manoharan

...Petitioner

VS

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Services Wing, Service-10[2] Section,
Secretariat, Chennai - 9.

2.The Additional Chief Secretary to Government,
Commissioner of Revenue Administration,
Chepauk, CHennai - 5.

3.The District Collector,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to implement the G.O.[2D] No.195, Revenue and Disaster Management Department, dated 29.08.2022 of the first respondent and also the proceedings of the third respondent vide Ref.No.28420/2021/A3, dated 10.01.2023.



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For Petitioner : Mr.K.N.Pandian
For Respondents : Mr.E.Sundaram
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 third respondent on 25.02.2020, seeking retirement benefits, as well as notional promotion from the post of Deputy Tahsildar to Tahsildar. 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 Court will be justified in invoking its extraordinary powers under Article



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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 third respondent herein to consider the petitioner's representation dated 25.02.2020, in the light of G.O.[2D] No.195, Revenue and Disaster Management Department, dated 29.08.2022 and also the proceedings of the third respondent vide Ref.No.28420/2021/A3 dated 10.01.2023 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 concerned respondent to consider the same on its own merits.

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

03.03.2023

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



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M.S.RAMESH,J.

hvk

To

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Revenue and Disaster Management Department,
Services Wing, Service-10[2] Section,
Secretariat, Chennai - 9.
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