



W.P.No.13377 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13377 of 2023

Suresh.P

...Petitioner

Vs

1.The Additional Chief Secretary
to Government,
Home (Transport) Department,
Fort St. George, Chennai - 600 009.

2.The Transport Commissioner,
Commissionerate of Transport and
Road Safety,
Chepauk, Chennai - 600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 27.11.2019 and direct the second respondent to cancel the proceedings in file R.No.T1/12249/2017 dated 03.05.2017 on due verification for the procedures not followed as laid down in Section 45 as well as Section 70 of the said Act 14 of 2016 was in force w.e.f. 14.09.2016 and the orders



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not communicated to any of the individuals concerned which was prepared in a fraudulent manner.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 30.03.2023 seeking for inclusion of his name in the list of Deputy Transport Commissioner for promotion to the post of Joint Transport Commissioner. Since the said representation was not considered till date, the petitioner has preferred the present Writ Petition.

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 him 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,



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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 the 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 respondents herein to consider the petitioner's representation dated 30.03.2023 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 made by the petitioner and that it is open to the concerned respondents to consider the same on its own merits.

5. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

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