



W.P.No.17353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17353 of 2023

J.Chandrasekar

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
State Bank Road,
Gopalapuram, Coimbatore-18.

2.The Block Development Officer
(Village Panchayat), Office of
the Block Development Officer,
Anaimalai Panchayat,
Coimbatore District-642104.

3.Thensithur Panchayat,
rep.by its Secretary,
Thensithur Village,
Coimbatore District-641664.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 28.02.2023 to pay the subsistence allowance for the period from 17.12.2018 to 23.08.2020 and from 20.10.2021 till date.



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For Petitioner : Mr.M.Rajasekar
For Respondent-1 : Mr.P. Sanjay Gandhi,
Government Advocate
For Respondents 2 & 3 : Mr.K.Surendran
Additional Government Pleader

ORDER

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

2. The petitioner herein had given a representation to the second respondent on 28.02.2023 seeking to pay the subsistence allowance for the period from 17.12.2018 to 23.08.2020 and from 20.10.2021 till date. Since the said representation has not yet been considered, the above 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



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Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 28.02.2023 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 second respondent to consider the same on its own merits.

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

No costs.

12.06.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1.The District Collector,



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M.S.RAMESH,J.

RS/Sni

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