



W.P.No.17213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17213 of 2023

M.G.Kulasekaran

... Petitioner

Vs.

1.Tamil Nadu State Construction Corporation Ltd. (TNSCC),
rep.by its Managing Director,
Jai Nagar, Arumbakkam,
Chennai-106.

2.The Tamil Nadu Adi Dravidar Housing and Development Corporation Ltd. (TAHDCO),
rep.by its Managing Director,
No.31, Cenotaph Road,
Teynampet, Chennai-18.

3.The District Collector, Chennai
Rajaji Salai, Fourth Floor,
62, Beach Road, George Town,
Chennai-1.

4.The Tahsildar, Mylapore,
R.A.Puram, Thideer Nagar,
Nandanam, Chennai-28.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to pay a sum of Rs.3,00,147/- and (24 percent compound interest should calculate at the rate of Rs.3,57,415/- from 31.03.2014) till date of realization under the Revenue Recovery Act.

For Petitioner : Mr.J.Joseph Stalin
Ms.N.Beulah John Selvaraj
For Respondents 3 & 4 : Mr.S.Prabhakaran, GA

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 seeks a direction to the second respondent to pay a sum of Rs.3,00,147/- and 24% compound interest calculated at Rs.3,57,415/- from 31.03.2014 till date of realization under the Revenue Recovery Act. In this regard, the petitioner had also given a representation to the second respondent on 16.12.2022. Since the said representation has not yet been considered, the above 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 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 16.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.



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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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M.S.RAMESH,J.

RS/HVK

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