



WEB COPY



W.P.No.19014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19014 of 2023
and WMP.Nos.18260 & 18261 of 2023

M. Susila

... Petitioner

Vs.

1.The District Collector,
O/o. the Collectorate,
Kallakurichi,
Kallakurichi District.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Kallakurichi,
Kallakurichi District.

3.The Tahsildar,
O/o. the Tahsildar,
Chinna Salem Post & Taluk,
Kallakurichi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records related to the impugned proceedings bearing Na.Ka.A3/2388/2021 dated 17.05.2023 passed by the 3rd respondent, the Tahsildar, Chinna Salem,



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Kallakurichi District and quash the same and consequently quash the suspension order bearing Na.Ka.A3/2388/2021 dated 25.11.2021 passed by the 3rd respondent, the Tahsildar, Chinna Salem, Kallakurichi District as illegal, against natural justice and well established law and consequently direct the 3rd respondent to reinstate the petitioner in service.

For Petitioner : Mr.V.R. Appaswamee

For Respondent : Mr.P. Gurunathan,
Additional Government Pleader

ORDER

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

2. The petitioner herein has given representation dated 21.06.2022 to the respondents, requesting to revoke the suspension order. 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 Constitution of India and direct them to consider the same within a stipulated time.

4. Since no acknowledgement has been produced before this Court for the representation given by the petitioner, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondent herein, to consider the same.



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5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating her grievances, along with the old representation and a copy of this order. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of the representation. 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 respondent to consider the same on its own merits.

6. With the above direction, this Writ Petition stands disposed of.
No costs. Connected miscellaneous petitions are closed.

28.06.2023

Index: Yes/No
Internet: Yes/No

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To

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M.S.RAMESH,J.

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