



W.P.No.23269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23269 of 2022

N.Lakshmanan

...Petitioner

Vs

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.
 2. The Deputy Registrar of Co-operative Societies (FAC)
Office of the Deputy Registrar of Co-operative,
Societies Dharmapuri Circle,
Collectorate Complex,
Dharmapuri.
 3. The Joint Registrar of Co-operative Societies (FAC),
Office of the Joint Registrar of Co-operative
Societies Dharmapuri Circle,
Collectorate Complex,
Dharmapuri.
 4. The President,
S-6756, Erranna Hall Primary
Agricultural Credit Society,
Palacode Taluk,
Dharmapuri District
- ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Mandamus directing the 4th respondent to consider and dispose of the petitioner's representation dated 19.04.2022 within the time stipulated by this Court by directing the 4th respondent to pay the remaining 50% arrears of subsistence allowance to the petitioner.

For Petitioner : Mr.A.Illayaperumal
For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader 1 to 3

ORDER

Heard Mr.A.Illayaperumal, learned counsel for petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for respondents 1 to 3.

2. In view of the order to be passed in this writ petition, no prejudice would be caused to the 4th respondent. Hence, notice to the respondents 1 to 3 are dispensed with.

3. The petitioner herein had made representation to the respondent on 19.04.2022, seeking to pay the remaining 50% arrears of subsistence allowance. Since the said representation was not considered, the present writ petition has been filed.



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4. 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, 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.

5. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 19.04.2022, 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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6. With the above direction, the Writ Petition stands disposed of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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