



W.P.No.30295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30295 of 2023

T.Gopalakrishnan

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Regional Deputy Commissioner (North),
Chennai Corporation,
Rippon Building,
Chennai – 600 003.

3.The Zonal Officer,
Zone No.IV,
Corporation of Chennai,
Old Washermenpet,
Chennai – 600 021.

4.The Assistant Executive Engineer,
Division No.46, Zone No.IV,
Corporation of Chennai,
Old Washermenpet,
No.96, Parthasarathy Street,
Chennai – 600 021.

... Respondents



W.P.No.30295 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd and 4th respondents to disburse the petitioner the subsistence allowance from 02.02.2022 till date based on his representations dated 22.06.2016, 25.09.2020, 09.05.2022 and 18.05.2022.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.S.Gopinath
Standing Counsel

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 representations to the respondents 3 and 4 on 22.06.2016, 25.09.2020, 09.05.2022 and 18.05.2022 seeking disbursement of subsistence allowance from 02.02.2022 till date. Since the said representations have not yet been considered, the above Writ Petition has been filed.

3. It is needless to point out that whenever a representation of this



W.P.No.30295 of 2023

WEB COPY

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 third respondent herein to consider the petitioner's representations dated 22.06.2016, 25.09.2020, 09.05.2022 and 18.05.2022 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 of the petitioner and that it is open to the second respondent to consider the same on its own merits.



W.P.No.30295 of 2023

WEB COPY

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

No costs.

30.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

hvk



W.P.No.30295 of 2023

WEB COPY

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.
- 2.The Regional Deputy Commissioner (North),
Chennai Corporation,
Rippon Building,
Chennai – 600 003.
- 3.The Zonal Officer,
Zone No.IV,
Corporation of Chennai,
Old Washermenpet,
Chennai – 600 021.
- 4.The Assistant Executive Engineer,
Division No.46, Zone No.IV,
Corporation of Chennai,
Old Washermenpet,
No.96, Parthasarathy Street,
Chennai – 600 021.



WEB COPY



W.P.No.30295 of 2023

M.S.RAMESH,J.

hvk

W.P.No.30295 of 2023

30.10.2023