



W.P.No.29202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29202 of 2023

K.Ravi

...Petitioner

Vs

1. The Joint Registrar of Co-op Societies,
Tiruvannamalai Region, Tiruvannamalai District.
2. H.H.550, Mosavadi Primary Agricultural Co-op
Credit Society,
Rep by its Administrator,
Mosavadi-604503, Vandavasi Taluk,
Tiruvannamalai District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation dated 31.08.2023 and pass appropriate orders to pay the subsistence allowance to the petitioner from the date of suspension i.e., 08.03.2023 to till the date of completion of domestic enquiry proceedings as per the by-laws of the 2nd respondent society within the stipulated time.



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For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mrs.V.Yamunadevi
Spl.Govt. Pleader
For R.1
Mr.T.Sampathkumar
Government Advocate
For R.2

ORDER

Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mrs.V.Yamunadevi, learned Special Government Pleader for the first respondent and Mr.T.Sampathkumar, learned Government Advocate for the second respondent. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given a representation to the first respondent 31.08.2023, seeking for a direction to pay subsistence allowance from the date of his suspension i.e, 08.03.2023 till the date of completion of domestic enquiry proceedings as per the by-laws of the second respondent society. 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 respondent 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. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 31.08.2023 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 respondents to consider the same on its own merits.



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M.S.RAMESH,J.,

sr

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

sr

To

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