



WEB COPY



W.P.No.29192 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.29192 of 2023

S.Dhanalakshmi

...Petitioner

Vs

1. The District Collector,
Kallakurichi,
Kallakurichi District.

2. The Revenue Divisional Officer,
Thirukovilur,
Kallakurichi District.

3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District.

4. The District Collector,
Cuddalore,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to send the family pension proposal of the petitioner's husband service conferred as Village Administrative Officer as directed by the 1st respondent, so as to enable the 1st



W.P.No.29192 of 2023

respondent to sanction family pension to the petitioner by considering the application of the petitioner dated 24.02.2023.

For Petitioner : Mr.P.Ganesan
For Respondents : Mrs.V.Yamunadevi
Spl.Govt. Pleader

ORDER

Heard Mr.P.Ganesan, learned counsel for the petitioner and Mrs.V.Yamunadevi, learned Special Government Pleader for the respondents. 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 respondents on 24.02.2023, seeking for a direction to the third respondent to send the family pension proposal of her husband to the first respondent based on the recommendation of the second respondent. Since the said representation was not considered, the present writ petition has been filed.

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



W.P.No.29192 of 2023

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 third respondent to send the family pension proposal of the petitioner's husband along with the recommendation made by the second respondent and the representation of the petitioner dated 24.02.2023 to the first respondent forthwith and on receipt of the same, the first respondent is directed to consider the representation on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

M.S.RAMESH,J.,



W.P.No.29192 of 2023

sr

WEB COPY

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

09.10.2023

Index: Yes/No
Speaking order/Non-speaking order
sr

To

1. The District Collector,
Kallakurichi,
Kallakurichi District.
2. The Revenue Divisional Officer,
Thirukovilur,
Kallakurichi District.
3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District.
4. The District Collector,
Cuddalore,
Cuddalore District.

W.P.No.29192 of 2023