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W.P.No.30832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30832 of 2023

T.Dineshkumar

...Petitioner

-Vs-

1. The Joint Registrar of Co-operative Societies,
Uthagamandalam, Nilgiris District.
2. The Deputy Registrar of Co-operative Societies,
Uthagamandalam, Nilgiris District.
3. The President,
J.157, Palakola Primary Agricultural Co-operative
Society, Coonor, Nilgiris District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 02.09.2023 seeking regularization of the service in the 3rd respondent society, within the stipulated time to be fixed by this Court.

For Petitioners : Mr.G.Saravanabhavan

For Respondents : Mr.V.Manoharan
Addl. Govt. Pleader
For R.1 and R.2
: Mrs.Geetha Thamaraiselvam
For R.3



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ORDER

Heard G.Saravanabhavan, learned counsel for the petitioner and Mr.V.Manoharan, learned Additional Government Pleader for the respondents 1 and 2 and Mrs.Geetha Thamaraiselvam, learned Counsel for the third 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 respondents 1 and 2 on 02.09.2023, seeking for a direction to regularise his service in the 3rd respondent society. 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 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



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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 to consider the representation of the petitioner dated 02.09.2023 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.

5. With the above direction, the writ petition is disposed of. No costs.

01.11.2023

Index: Yes/No
Internet: Yes/No
sr

To

1. The Joint Registrar of Co-operative Societies,
Uthagamandalam, Nilgiris District.
2. The Deputy Registrar of Co-operative Societies,
Uthagamandalam, Nilgiris District.



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M.S.RAMESH,J.

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