



WEB COPY



W.P.No.30814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30814 of 2023

C. Rajendran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 600 009.

2.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

3.The Commissioner,
Thiruverkadu Municipality, Thiruverkadu.

4.The Commissioner,
Kovilpatti Municipality.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation made by the petitioner dated 23.07.2023 and to pass appropriate orders on merits and in accordance with law within a



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reasonable period as may be fixed by this Court, considering the fact that no charge memo was pending or currency of punishment against the petitioner as on the crucial date 15.03.2022.

For Petitioner : Mr.T. Ranganathan

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given a representation to the second respondent on 23.07.2023, seeking to include his name in the panel of Town Planning Officer Grade-I, prepared for 2022-23, as on the crucial date 15.03.2022, by placing him above Thiru.S.Govindaraj in the panel list with all consequential service benefits with promotion. Since the said representation has not been considered till date, 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 them 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 second respondent herein, to consider the petitioner's representation dated 23.07.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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

No costs.

31.10.2023

Index:Yes/No

Speaking order/Non-speaking order

Sni

To

- 1.The Principal Secretary to Government,
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Secretariat, Chennai – 600 009.
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