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W.P.No.30803 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.30803 of 2023
and W.M.P.No.30479 of 2023

1.P.T. Alexander

2.M. Nakkeeran

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Principal Secretary/
Commissioner of Revenue Administration,
Office of Commissionerate Revenue Administration,
Ezhilagam,
Chennai – 600 005.

3.The District Collector,
Tiruvarur District,
Tiruvarur.

... Respondents



W.P.No.30803 of 2023

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass appropriate orders for amendment to Revenue Subordinate Service Rules with reference to prescription of service qualification for Non-Graduate Assistants for promotion as Deputy Tahsildar, in pursuant to the directions of Hon'ble Supreme Court of India in the orders passed in Paragraph 19(viii) in C.A.Nos.251-256 of 2015 dated 12.03.2019, in consideration of representation submitted by the petitioners dated 09.03.2022 and to protect the services of the petitioners as Tahsildar without any reversion.

For Petitioners : Mr.G. Sankaran,
Senior Counsel
for Mr.S. Nedunchezhiyan

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.



W.P.No.30803 of 2023

WEB COPY

2. The petitioners herein have given a representation to the second respondent on 09.03.2022, seeking for restoration of their names in the original panel of Deputy Tahsildars of Tiruvarur District for the year 2012 and 2011 respectively. Since the said representation has not been considered till date, 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 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 respondents herein, to consider the petitioners' representation dated 09.03.2022, on their own merits and pass appropriate orders in



W.P.No.30803 of 2023

WEB COPY

accordance with law, within a period of six (6) 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs. Connected miscellaneous petition is closed.

31.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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W.P.No.30803 of 2023

WEB COPY

To

- 1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Principal Secretary/
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W.P.No.30803 of 2023

M.S.RAMESH,J.

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W.P.No.30803 of 2023

31.10.2023