



W.P.No.13923 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13923 of 2017

Rassaiyal

... Petitioner

Vs.

1.The Deputy Commissioner of Labour-II,
D.M.S.Complex, Teynampet,
Chennai-600 018.

2. The District Collector,
Cuddalore District, Cuddalore.

3. The Tahsildar,
Cuddalore Taluk, Cuddalore.

4. Thulasi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to initiate recovery proceedings against the 4th respondent against the Tamil Nadu Revenue Recovery Act, 1898 to recover a sum of Rs.4,10,200/- with 12% interest in pursuance of the award made in W.C.No.220 of 2006 on the file of the 1st respondent dated 2.11.2009 and the proceedings of the 1st respondent made in P3/9557/10 dated 19.09.2011 and to deposit the same to the file of the 1st respondent within the stipulated time.



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For Petitioner : Mr.D.S.Thiruma Valavan

For Respondents : Mr.P.Sathish

AGP

For R.1 to R.3

No appearance - R.4

ORDER

The petitioner herein had given representations dated 26.08.2013 and 09.12.2013 to initiate recovery proceedings against the fourth respondent against the Tamil Nadu Revenue Recovery Act to recover a sum of Rs.4,10,200/- with 12% interest. Since the said representations were not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents 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.

3. Since the representations given by the petitioner date back to the



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year 2013, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, in the light of the proceedings of the second respondent dated 27.06.2012 within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

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Speaking/Non-speaking
Index:Yes/No
sr



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M.S.RAMESH,J.

SR

To

- 1.The Deputy Commissioner of Labour-II,
D.M.S.Complex, Teynampet,
Chennai-600 018.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Tahsildar,
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