



WEB COPY



W.P.No.32866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32866 of 2023

S.Lingeshwaran

...Petitioner

Vs.

1.The Assistant Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Collector Office Premises,
Kancheepuram – 631 501.

2.The Executive Officer,
Arulmigu Kandhaswamy Thirukoil,
Tiruporur,
Chengalpet District – 603 110.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the arrears of the subsistence allowance from 24.11.2016 to 11.08.2023 along with the calculation statement and also to pay an interest thereon at the rate of 24% per annum from 24.11.2016 till the date of payment.



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For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.K.Karthikeyan,
Government Advocate

ORDER

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

2. The prayer sought for in this Writ Petition is for a direction to the respondents to pay the arrears of the subsistence allowance from 24.11.2016 to 11.08.2023 together with interest 24.11.2016 till the date of payment. In this regard, the petitioner had given a representation to the respondents on 16.09.2023. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.

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,



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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 the 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 1st respondent herein to consider the petitioner's representation dated 16.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four 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.

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

No costs.

22.11.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

- 1.The Assistant Commissioner,
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