



WEB COPY



W.P.No.33769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33769 of 2023
&
W.M.P.No.33608 of 2023

S.Rajendran

...Petitioner

Vs

1. The Registrar of Co-operative Societies

Housing

No.48, Ritherdon Road

Vepery

Chennai – 600 007

2. The Deputy Registrar

Housing

Eastern Garden

Fairlands, Salem – 16

Salem District

3. The Administrator

S- 1337, Salem Industrial Employees

Co-op, House Construction Society Ltd.,

No.86/44, Kalidasar Street

Narayana Nagar, Salem - 15

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to revoke



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the order of suspension of the petitioner dated 11.08.2023 based on his application dated 31.10.2023 and consequently direct the respondents 2 and 3 to pay the subsistence allowance to the petitioner from the date of his suspension i.e., 11.08.2023 to till date along with arrears for protecting his livelihood.

For Petitioner : Mr.Jothimananian

For Respondents : Mrs.V.Yamuna Devi
Spl. Govt. Pleader for R1 and R2
Ms.M.Jayanthi
Additional Government Pleader for R3

ORDER

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

2. The petitioner seeks for revocation of the suspension order dated 11.08.2023 based on the representation of the petitioner dated 31.10.2023.

3. The petitioner herein had given a representation to the respondents 2 and 3 on 31.10.2023 to revoke the suspension order dated



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11.08.2023 and to pay the subsistence allowance to the petitioner from the date of his suspension i.e., 11.08.2023 to till date. Since the said representation was not considered, the present writ petition has been filed.

4.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 him 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 the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to respondents 2 and 3 to consider the petitioner's representation dated 31.10.2023, 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



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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.

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

No costs. Consequently, the connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

gpa

To

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M.S.RAMESH,J.

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