



W.P.No.34171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34171 of 2023

N.Nataraj

...Petitioner

-Vs-

The Executive Officer,
Suleeswaranpatti Town Panchayat,
Coimbatore District

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to revoke the order of suspension dated 02.09.2023 made in ROC No.500/2023 by considering the petitioner's representation dated 15.11.2023 in light of the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India reported in 2015 (7) SCC 291.

For Petitioner : Mr.Bhavani B.Mohan

For Respondent : Mr.P.Balathandayutham
Spl.Government Pleader

ORDER

Heard Mr.Bhavani B.Mohan, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for the respondent.



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2. When the petitioner was placed under suspension on 02.09.2023, he has submitted a representation on 15.11.2023 seeking for revocation of his suspension. Since the said representation was not considered, 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 the respondent 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 respondent to consider the representation of the petitioner dated 15.11.2023, seeking revocation of the order of suspension, on its own merits and pass appropriate orders in accordance with law, within a period of three weeks from the



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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 respondent to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

14.12.2023

Index: Yes/No
Internet: Yes/No
sr

To

The Executive Officer,
Suleeswaranpatti Town Panchayat,
Coimbatore District



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M.S.RAMESH.J.

SR

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