



WEB COPY



W.P.No.35303 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.P. Ganesh Pandiyan
- 2.M. Bharathikannan
- 3.M. Partheeban
- 4.A. Hemasundar
- 5.A. Sudhakar
- 6.P. Vijayan
- 7.V. Delhiraja
- 8.G. Aravind
- 9.T. Kirshnasureshkumar
- 10.N. Rajapandiyan
- 11.C.Karthikeyan
- 12.J.Madhan Kumar
- 13.V.Ashokkumar
- 14.A.Anbarasu
- 15.K.Bharath
- 16.A.Aravinthan
- 17.R.Bharathidasan
- 18.E.Prabhu



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19.M.Selvasekar

20.M.Thirumurugan

21.N.Narmatha

22.K.Nandhini

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Office at Panagal Maaligai,
Saidapet, Chennai – 600 015.

Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents viz., the 2nd respondent to forward the representations of the petitioners, namely representation of 1st petitioner dated 19.11.2022 to the 1st respondent with appropriate recommendation and the 1st respondent to consider and pass appropriate orders on the said forwarded representation by giving reasons and within a time frame as may be fixed by this Court for the both the respondents to act.

For Petitioners : Mr.N. Subramaniyan

For Respondents : Mrs.V. Yamuna Devi,



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Special Government Pleader
ORDER

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

2. The petitioners herein have given representations to the respondents on 05.01.2022, 19.11.2022 and 15.03.2023, seeking for fixation of pay. Since there is no progress in the said representation 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioners' representations dated 05.01.2022, 19.11.2022 and 15.03.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

22.12.2023

Index: Yes/No

Speaking/Non-speaking order

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To
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- 1.The Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Office at Panagal Maaligai,
Saidapet, Chennai – 600 015.



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M.S.RAMESH,J.

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