



W.P.No.35061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35061 of 2023

V.Raja

... Petitioner

Vs.

The Commissioner,
Erode City Municipal Corporation,
894, Brough Road,
Erode – 638 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to effect change the date of birth, as 06.08.1968 in Service Register of the petitioner, as per the proceedings of the respondent in Na.Ka.No.C1/142/12 dated 06.02.2012 and Identity Card issued by the respondent pass such order or other orders as this Hon'ble Court may deem fit and proper.

For Petitioner : Mr.P.Kannan Kumar

For Respondent : Mr.M.Rajamathivanan
Standing Counsel



W.P.No.35061 of 2023

ORDER

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

2. The petitioner herein has given a representation to the respondent on 02.12.2023, seeking the respondent to effect change the date of birth, as 06.08.1968 in Service Register of the petitioner, as per the proceedings of the respondent in Na.Ka.No.C1/142/12 dated 06.02.2012 and Identity Card issued by the respondent. Since the said representation has not been considered 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.



W.P.No.35061 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the respondent herein, to consider the petitioner's representation dated 02.12.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

18.12.2023

Index: Yes/No

Speaking order/Non-speaking order
gd



WEB COPY



W.P.No.35061 of 2023

M.S.RAMESH,J.

gd

To

The Commissioner,
Erode City Municipal Corporation,
894, Brough Road,
Erode – 638 001.

W.P.No.35061 of 2023

18.12.2023