



W.P.(MD).No.1240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.1240 of 2023

and

W.M.P.(MD).No.2526 of 2023

Nithyanandham Ramachandran

... Petitioner

Vs.

1.The Deputy General Manager (Insolvency Professionals)
Insolvency and Bankruptcy Board of India,
7th Floor, Mayur Bhawan,
Shankar Market,
Connaught Circus,
New Delhi - 110001.

2.The Chief Executive Officer,
Insolvency Professional Agency
of Institute of Cost
Accountants of India,
Lodhi Road,
New Delhi - 110003.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to renew the authorization for assignment with effect from 17.12.2022 to 14.09.2023 on the strength of the Date of Birth Certificate issued by the Aruppukottai Municipality Virudhunagar District, Tamil Nadu by considering



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the petitioner's representation dated 14.12.2022, within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah
For R-1 : Mr.Karthikeya Venkatachalapathy
Special Central Government
Standing Counsel

ORDER

The petitioner herein had given a representation to the respondents on 14.12.2022 seeking to renew the authorization for assignment with effect from 17.12.2022 to 14.09.2023. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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 respondents 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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3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 14.12.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

4. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
vsm

Note: Issue order copy by 30.05.2023



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To

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M.S.RAMESH, J.

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