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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**
and
THE HONOURABLE MS.JUSTICE **P.T.ASHA**

W.P(MD)No.12644 of 2023
and
W.M.P(MD)No.10673 of 2023

M.Babu

... Petitioner

-VS-

1.The District Collector,
Sivagangai District, Sivagangai.

2.The District Manager of TASMACH,
Sivagangai District, Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to drop the inauguration of the new “TASMACH” shop in Survey No.110/11B, Sirumaruthur Revenue Village, Kandadevi Post, Sivagangai District on the basis of the petitioner's representation, dated 20.05.2023.

For Petitioner : Mr.R.Shankar Ganesh
For R1 : Mr.M.Siddharthan
Additional Government Pleader
For R2 : Mr.H.Arumugam



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ORDER

[Order of the Court was made by M.S.RAMESH, J.]

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.The petitioner herein had given a representation to the respondents on 20.05.2023 seeking to drop the inauguration of the new “TASMAC” shop in Survey No.110/11B, Sirumaruthur Revenue Village, Kandadevi Post, Sivagangai District. 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 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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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 20.05.2023, on its 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 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. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[M.S.R., J.]

[P.T.A., J.]

24.05.2023

NCC : Yes/No
Index : Yes/No
cmr



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Sivagangai District, Sivagangai.
- 2.The District Manager of TASMAL,
Sivagangai District, Sivagangai.



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M.S.RAMESH, J.
and
P.T.ASHA, J.

cmr

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