



W.P.(MD).No.21056 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21056 of 2023

M.Bharathi

... Petitioner

Vs.

1.The Commissioner,
Aringnar Anna Maligai,
Madurai Corporation-625 002.

2.The Assistant Commissioner,
Zone-II, Madurai Corporation,
Madurai-625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 13.07.2023.

For Petitioner : Mr.R.Prabu Ramachandran

For Respondents : Mr.K.K.Kannan



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ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 13.07.2023.

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

3. The petitioner was adopted by one Pandi son of Perumal in childhood. The said Pandi died on 17.06.1999 when he was in the service of Health Department, Madurai Corporation as Sanitary Worker. The petitioner made an application seeking compassionate appointment. Thereafter, he had sent a representation on 22.06.1999 to the Commissioner of Madurai Corporation. For which, on 18.08.1999, the Commissioner of Madurai Corporation vide his communication required the petitioner to go to Madurai Principal Sub Court for the purpose of availing a Succession Certificate. Thereafter, the petitioner filed O.S.No.316 of 2002 on the file of the learned Additional District Munsif Court, Madurai filed, wherein the learned Additional District Munsif Court was



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pleased to pass the decree, declaring the petitioner as the legal heir of the deceased Pandi. In furtherance to the same, the petitioner gave several representation to the respondents and the last of which is on 13.07.2023.

4. 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 13.07.2023 and pass necessary orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Commissioner,
Aringnar Anna Maligai,
Madurai Corporation-625 002.

2.The Assistant Commissioner,
Zone-II, Madurai Corporation,
Madurai-625 002.



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L.VICTORIA GOWRI, J.

BTR

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