



W.P.(MD).No.21160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21160 of 2023

Michael Rajkumar

... Petitioner

Vs.

The Assistant Commissioner of CGST and C.Excise,
Kovilpatti Division,
Kovilpatti.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the representation dated 09.08.2023 within stipulated period as may be fixed by this Court.

For Petitioner : Mr.S.Karunakar

For Respondent : Mr.R.Nandakumar,
Senior Standing Counsel,
Assisted by,
M/s.S.Ragaventhre,
Junior Standing Counsel.



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ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. This Writ Petition is filed for Mandamus, directing the respondent to consider the petitioner's representation dated 09.08.2023.

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.

4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 09.08.2023 on its own merits and pass appropriate orders in accordance with law, within a



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period of six (6) 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. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

31.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

The Assistant Commissioner of CGST and C.Excise,
Kovilpatti Division,
Kovilpatti.



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S.SRIMATHY, J.

Nsr

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