



W.P.(MD)No.8739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8739 of 2024

D.Mahalingam

... Petitioner

Vs.

1.The Director of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai – 600 028.

2.The Assistant Director of Town Panchayat,
Dindigul Region,
Collectorate Complex,
Dindigul.

3.The Executive Officer,
Thadikombu Town Panchayat,
Dindigul West,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 26.02.2024 in the proper perspective based on the TNPSC Seniority of the year 2009 and adopted by the District Collector, Dindigul in his proceedings No.R.C.1230/2023/TP2 dated 21.07.2023, within a specified time frame that may be fixed by this Court.



WEB COPY



W.P.(MD)No.8739 of 2024

For Petitioner : Mr.S.Visvalingam
For R-1 and R-2 : Mr.M.Lingdurai
Special Government Pleader
For R-3 : Mr.A.K.Manikkam
Special Government Pleader

ORDER

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 first respondent through proper channel on 26.02.2024 seeking for refixing the seniority of the petitioner as per TNPSC rank of the year 2009 and adopted by the District Collector, Dindigul in his proceedings No.R.C.1230/2023/TP2 dated 21.07.2023. 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. The failure on the part of the authority had



W.P.(MD)No.8739 of 2024

prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 26.02.2024 on its own merits and pass appropriate orders in accordance with law, within a period of six 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. No costs.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.8739 of 2024

To:

WEB COPY

- 1.The Director of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai – 600 028.
- 2.The Assistant Director of Town Panchayat,
Dindigul Region,
Collectorate Complex,
Dindigul.
- 3.The Executive Officer,
Thadikombu Town Panchayat,
Dindigul West,
Dindigul District.



WEB COPY



W.P.(MD)No.8739 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD)No.8739 of 2024

08.04.2024