



W.P.(MD)No.8905 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8905 of 2024

M.Murugesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Co-operative Food and Consumer Protection Department,
Secretariat, Chennai.

2.The Secretary Jawahar Primary,
Agriculture Co-operative Credit Society, Muttakadu,
Kumarapuram Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to consider the representation dated 15.02.2024 and to pay an amount of Rs.16,000/- for the lapse period of 16 months from 22.02.2021 to 21.05.2022 as per G.O.(MS).No. 22 of Co-operative Food and Consumer Protection (CN1) Department, dated 22.02.2021 with interest.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.K.S.Selvaganeshan,
Additional Government Pleader



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ORDER

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

2. Heard Mr.G.Cenil, learned counsel appearing for the petitioner and Mr.K.S.Selvaganeshan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner herein had given a representation to the respondents on 15.02.2024 seeking to pay an amount of Rs.16,000/- for the lapse period of 16 months from 22.02.2021 to 21.05.2022 as per G.O.(Ms).No. 22, Co-operative Food and Consumer Protection (CN1) Department, dated 22.02.2021 with interest. Since the said representation was not considered, the present writ petition has been filed.

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 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,



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non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 15.02.2024 on its own merits and pass appropriate orders in accordance with law, within a 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 gone into the merits of the claim of the petitioner and it is open to the second respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands **disposed of**.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

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To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Co-operative Food and Consumer Protection Department,
Secretariat, Chennai.
- 2.The Secretary Jawahar Primary,
Agriculture Co-operative Credit Society, Muttakadu,
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R.N.MANJULA, J.

TSG

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