



WP(MD) No.9329 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9329 of 2023
and WMP(MD)No.8363 of 2023

Pandiyan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhuanagar District.

2.The Tashildar(Revenue),
O/o.The Tashildar,
Thiruchuzhi,
Virudhunagar District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 27.10.2022 within the time stipulated by this Court and consequently direct the respondents to implement the order passed



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by this Court in W.P.No.18289 of 2017 dated 02.02.2021.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 27.10.2022.

2. Heard Mr.M.Rajarajan learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

3. The petitioner's wife, who was working as a Village Assistant at Parayankulam Village, Thiruchuzhi Taluk, Virudhunagar District, had died on 24.11.2016 while she was in duty. Hence, the petitioner herein had given representation to the



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respondents on 27.10.2022 seeking for compassionate appointment. Since the said representation was not considered by the respondents so far, 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, 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 a direction to consider the representation of the petitioner within a specific time frame.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 27.10.2022 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 gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
P JL



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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.9329 of 2023

Dated:
06.06.2024