



WP(MD) No.11042 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11042 of 2024

S.Sathiya

... Petitioner

Vs.

1.The Director of Municipal Administration,
Santhome High Road,
MRC Nagar,
R.A.Puram,
Chennai- 600 028.

2.The Commissioner,
Kulithalai Municipality,
Kulithalai,
Karur 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 respondent No.2 to disburse the arrears of subsistence allowance from the date of the petitioner's suspension ie., 30.07.2020 to



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30.06.2022 by considering her representation dated 14.02.2024.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Ramesh Kumar
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 2nd respondent to disburse the arrears of subsistence allowance from the date of the petitioner's suspension ie., 30.07.2020 to 30.06.2022 by considering her representation dated 14.02.2024.

2. Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.M.Ramesh Kumar, learned Government Advocate for the respondents.

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

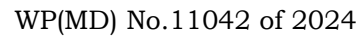


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4. The petitioner herein had given a representation to the respondents on 26.03.2024 seeking to disburse the arrears of subsistence allowance from the date of the petitioner's suspension ie., 30.07.2020 to 30.06.2022. Since the said representation was not considered, the present writ petition has been filed.

5. 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



6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's application dated 26.03.2024 on its own merits and pass orders in accordance with law, within a period of four 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 application on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs.

30.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL



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To

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R.N.MANJULA, J.

PJL

**Order made in
W.P.(MD)No.11042 of 2024**

30.04.2024