



W.P.(MD)No.13251 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13251 of 2024

R.Kodiyarasi Pandiyammal

... Petitioner

vs.

1.The Director of Municipal Administration,
MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Director of Local Fund Audit,
Perasiriyar Ka.Anbalagan Building,
Nandanam, Chennai - 600 035.

3.The Commissioner,
Theni - Allinagaram Municipality,
Theni Post, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to forward the family pension proposal to the second respondent and the second respondent to sanction and disburse the family pensionary benefits to the petitioner in the light of legal heir Certificate issued by the Tahsildar, Taluk Office, Theni, Theni District in his Pa.Mu.No: D.Dis.



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5991/2020/A6 dated 07.12.2020 by considering the petitioner's representation dated 05.06.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.M.Ramesh,
Government Advocate for R1 & R2

Mr.G.Kaleeswaran,
Standing Counsel for R3

ORDER

The petitioner herein, who is the wife of the deceased V.Ravi, who worked as Sweeper in the third respondent Municipality, had given a representation dated 05.06.2024 to the third respondent to disburse the eligible family pension to her. Since the said representation was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As



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such, non-consideration of the representation by the Government Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition 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 third respondent is required to be given with a direction to consider the representation of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 05.06.2024 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 gone into the merits of the claim of the petitioner and it is open to the third respondent to consider the same on its own merits.



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4. With the above direction, the Writ Petition stands **disposed**

of. No costs.

21.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi

To

1.The Director of Municipal Administration,
MRC Nagar,
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2.The Director of Local Fund Audit,
Perasiriyar Ka.Anbalagan Building,
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R.N.MANJULA, J.

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