



W.P.(MD)No.24911 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.24911 of 2022

Saroja

... Petitioner

Vs.

1. The Senior Accounts Officer,
Office of the Accountant General (Accounts and Entitlements),
Tamil Nadu, Chennai.
2. The District Collector,
Office of the District Collector,
Thanjavur.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thanjavur.
4. The Tahsildar,
Office of the Orathanadu Taluk Office,
Thanjavur 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 grant family pension to the petitioner in pursuance of proceeding PEN. 33/1/FP/13314379/ADK/15-16/dated 22.01.2016 and consequently direct the fourth respondent to issue the legal heir ship certificate in favour of the petitioner on the basis of the application dated 02.11.2015 within the time stipulated by this Court.



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For Petitioner : Mr.B.Jameel Arasu
For R-1 : Ms.S.Mahalakshmi,
Standing Counsel
For R-2 to R-4 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Ms.S.Mahalakshmi, learned Standing Counsel appearing for the first respondent and Mr.M.Lingadurai, learned Special Government Pleader for respondent Nos.2 to 4.

3. The petitioner herein had given a representation to the respondents on 02.11.2015 seeking to grant Legal Heir Ship Certificate to the petitioner to her deceased husband late Puniyamoorthi. Since the same was not considered, the present Writ Petition has been filed.



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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 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 fourth respondent herein to consider the petitioner's representation dated 02.11.2015 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 fourth respondent to consider the same on its own merits. The fourth respondent is further directed to consider the petitioner's request only if required documents are submitted by the petitioner.



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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

To

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R.N.MANJULA, J.

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