



W.P.(MD)No.28087 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.28087 of 2024

P.A.Subramanian

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director (Panchayats),
Madurai District,
Collector Office Campus,
Madurai,
Madurai District.

3.The Block Development Officer (Village Panchayat),
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.

4.A.Krishnan



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5.R.Kanaga

: Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent to implement the order of the second respondent made in Na.Ka.No.1287/2024/A4 dated 01.10.2024, by conducting enquiry proceedings by affording opportunities to all the necessary parties including the petitioner and also to file a report before the second respondent.

For Petitioner : Mr.B.Vinothkumar
For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the third respondent to implement the order of the second respondent made in Na.Ka.No.1287/2024/A4 dated 01.10.2024, by conducting enquiry by affording opportunities to all the necessary



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parties including the petitioner and also to file a report before the second respondent.

3.Since this Court is directing the first respondent to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.

4.The petitioner herein had given a representation to the respondents 1 to 3 on 16.04.2024. 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 him 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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6.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 16.04.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondents 4 & 5 herein, as well as all other persons, who may be interested in the subject matter, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[M.S.R.,J.] & [A.D.M.C.,J.]

26.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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26.11.2024