



W.P.(MD)No.28397 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.28397 of 2024

and

W.M.P(MD)No.24105 of 2024

Shama Transport,
Rep. By its Proprietor,
M.Rajalakshmi,
W/o.K.Ganesan,
168/C, 36/1, Chinthamani Nagar,
Ilupaiyurani,
Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

- 1.The Department of Handloom and Textiles,
Rep by the Commissioner of Handlooms and Textiles,
Commissionerate of Handlooms and Textiles,
Kuralagam,
IInd Floor, Chennai - 600 108.
- 2.The Joint Director of Handlooms,
O/o. the Joint Director of Handlooms,
Kuralagam,
Chennai - 600 108.
- 3.The Assistant Directors of Handlooms and Textiles,
Cum Managing Director,
Vilathikulam Road,
Ettayapuram,
Tuticorin District.



W.P.(MD)No.28397 of 2024

4.The Bharathi Cooperative Spinning Mills Ltd,
Rep by the Assistant Directors of Handlooms and Textiles /
Managing Director,
Vilathikulam Road,
Ettayapuram,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 4 to disburse the pending payment to a sum of Rupees Eight Lakhs (Rs. 8,00,000/-) with 12% bank interest for the period from 01.05.2019 to 31.08.2024 to the petitioner till the date of payment.

For Petitioner : Mr.M.Mahaboob Fazil
M/s.Roy and Roy Associates
For Respondents 1 to 3 : Mr.D.S.Neduncheliyan
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited scope of relief sought for, notice to the 4th respondent is dispensed with.

2.This Writ Petition is filed, seeking to direct the respondents 2 and 4 to disburse the pending payment to a sum of Rs.8,00,000/- with interest for the period from 01.05.2019 to 31.08.2024 to the petitioner till the date of payment.

3.The petitioner is the Proprietor of Shama Transport engaged primarily in transportation of goods on work order for transportation of



W.P.(MD)No.28397 of 2024

yarns/bags to Government godowns by trucks from various stations within the State. In this regard, a payment of Rs.8,00,000/- is pending and is yet to be disbursed. Hence, the petitioner made a representation on 10.11.2024 and the same was not considered. Hence, the Writ Petition is filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and carefully perused the entire materials available on record.

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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.Without going into the merits, this Court hereby direct the respondents to consider the petitioner's representation dated 10.11.2024 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



W.P.(MD)No.28397 of 2024

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Department of Handloom and Textiles,
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Commissionerate of Handlooms and Textiles,
Kuralagam,
IInd Floor, Chennai - 600 108.
2. The Joint Director of Handlooms,
O/o. the Joint Director of Handlooms,
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Cum Managing Director,
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W.P.(MD)No.28397 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.28397 of 2024

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