



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5807 of 2018

WEB COPY

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... Petitioner

vs.

1.The Tirunelveli City Municipal Corporation,
Represented by the Commissioner,
S.N.High Road, Tirunelveli City.

2.The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to grant patta to the petitioner's house situated in Town Survey No.8, Ward B, Block No.8, Door No.3/112A, Thiruvananthapuram MGR Colony, Keelanatham, Tirunelveli District as per the G.O.Ms.No.34 dated 23.01.2018 (Revenue Department) as well as the provision under Section 258(2) of Tirunelveli City Municipal Corporation Act 1994 within the time stipulated by this Court.

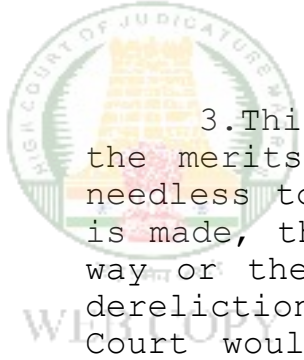
For Petitioner : Mr.I.Pinaygash
For R-1 : Mr.Aayiram K.Selvakumar
Standing counsel

For R-2 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

ORDER

Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner, Mr.Aayiram K.Selvakumar, learned Standing Counsel appearing for the first respondent and Mr.J.Gunaseelanmuthiah, learned Additional Government pleader appearing for the second respondent.

2.It is the grievance of the petitioner that his representation dated 06.02.2018, seeking for grant patta to the petitioner's house situated in Town Survey No.8, Ward B, Block No.8, Door No.3/112A, Thiruvananthapuram MGR Colony, Keelanatham, Tirunelveli District, has not been considered by the second respondent till date and therefore, he has filed the present writ petition.



3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 06.02.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after conducting an enquiry and giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Commissioner,
The Tirunelveli City Municipal Corporation,
S.N.High Road, Tirunelveli City.

2. The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.

+1CC to Mr.I.Pinaygash, Advocate, SR.No.76732

+1CC to the Special Government Pleader SR.No. 77028

W.P. (MD) No.5807 of 2018
02.08.2018

SJI

ES/SKN/RSK/SAR 3/04.09.2018/2P/5C