



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.7418 of 2018

S.Ramasamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Near Manimandapam,
Thanjavur District.

2.T.Dhanabal

3.D.Mallika

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to consider his representation dated 12.02.2018 and to dispose the proceeding Na.Ka.No.2599/08/A-5 regarding patta transfer the properties comprised SR.No.393/21-10, ½ cent, 160/25-7, ½ cent, 159/10-35 cent situated in Okkannadukeelaiyur Village, Orathanadu Taluk, Thanjavur District.

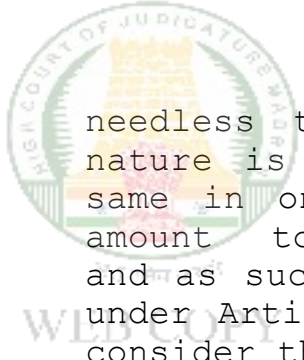
For Petitioner	: Mr.A.Senthil Kumar
For R1	: Mr.Gunaseelan Muthiah Additional Government Pleader.
For R2 and R3	: No Appearance

ORDER

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

2.It is the grievance of the petitioner that the petitioner's representation dated 12.02.2018 seeking transfer of patta with regard to the land comprised in Survey Nos.393/21-10, ½ cent, 160/25-7, ½ cent, 159/10, 35 cent situated in Okkannadukeelaiyur Village, Orathanadu Taluk, Thanjavur District has not been considered by the first respondent till date and therefore, 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 other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4.It is submitted by the learned counsel for the petitioner that the enquiry, that commenced in the year 2011, is yet to be completed. The learned Additional Government Pleader, on the other hand, submitted that the office of the first respondent had inadvertently misplaced the file and he seeks further time to locate the file.

5.In the above circumstances, I am of the view that it would not be proper to direct the first respondent to continue the enquiry, which was commenced about seven years back. As such the ends of justice would be met, if the petitioner will be directed to give a fresh representation ventilating his grievances.

6.Accordingly, the petitioner is granted liberty to approach the first respondent with the representation seeking for transfer of patta and on receipt of the representation, the first respondent shall conduct enquiry in accordance with law and appropriate order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be made, after giving notice to the petitioner and any other persons, who may be interested in the subject property.

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

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To
The Revenue Divisional Officer,
Revenue Divisional Office,
Near Manimandapam,
Thanjavur District.

+ 1 cc TO Mr.A.Senthil kumar , Advocate in SR No. 62675
+ 1 cc TO The Special Government Pleader in SR No. 62527

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AE/SV MMS/SAR1/15.05.2018/2P/4C