



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.7611 of 2018

WEB COPY

Jameela Beevi

... Petitioner

vs.

The District Collector cum Chairman,  
The District Forest Committee,  
Kanyakumari District,  
Nagercoil.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue no objection certificate to the petitioner so as to enable the petitioner to sell the property in Re-survey No.725/2A1E, Kadayal Village, Vilavancode Taluk, Kanyakumari District admeasuring 35 cents by considering the representations of the petitioner dated 01.12.2015 and 09.03.2018 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.V.Anand  
Government Advocate

### **O R D E R**

Mr.V.Anand, learned Government Advocate, takes notice for the respondent.

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

3. It is the grievance of the petitioner that his representations dated 01.12.2015 and 09.03.2018 seeking to issue no objection certificate to the petitioner so as to enable him to sell the property in Re-survey No.725/2A1E, Kadayal Village, Vilavancode Taluk, Kanyakumari District admeasuring 35 cents, has not been considered by the respondent till date and therefore, he has filed the present writ petition.

4. 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 respondent is 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.

**5.** In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 09.03.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondent.

**6.** With the above direction, this **Writ Petition is disposed of**. However, there shall be no order as to costs.

**Sd/-**

**Assistant Registrar(w)**

**/True copy/**

**Sub Assistant Registrar**

To:

The District Collector cum Chairman,  
The District Forest Committee,  
Kanyakumari District,  
Nagercoil.

+ 1 CC TO MR.S.C.Herold Singh , ADVOCATE IN SR No.62987

sts

KK/SV MMS/SAR 2/17/05/2018/2P/3C

Order in  
**W.P. (MD) No.7611 of 2018**

23.04.2018