



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.8222 of 2018

and

W.M.P. (MD) No.7783 of 2018

S.Kannan

... Petitioner

vs.

1. The Revenue Divisional Officer
Sivakasi Division, Virudhunagar District

2. The Zonal Deputy Tahsildar
Sivakasi Taluk
Virudhunagar District

3. The Sub Registrar
Sub Registrar Office
Sivakasi, Virudhunagar District

4.Muniyammal

5.R.Lakshmi

... Respondents

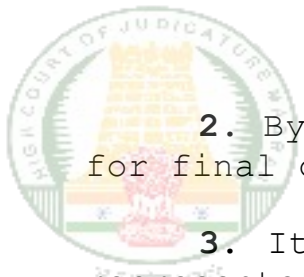
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to remove the name of the 4th respondent from the Joint Patta No.998 of our property in Survey No.237/4, Thayilpatti Village, Sivakasi Taluk, Virudhunagar District by considering the petitioner's legal notice dated 15.02.2018 and deeds in Document Nos.1514 & 1517 of 1992.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.V.Anand
Government Advocate for R1 to R3

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1 to 3. Notice to the respondents 4 and 5 is dispensed with in view of nature of the order to be passed by this Court.



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 even though a representation dated 07.03.2018 has been given to the first respondent seeking to remove the name of the fourth respondent from the joint Patta No.998, in respect of the property, comprised in Survey No.237/4 of Thayilpatti Village, Sivakasi Taluk, Virudhunagar District, has not been considered by the first 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 dated 07.03.2018. 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.

5. Since the representation, dated 07.03.2018, was not made by the petitioner, he is granted liberty to approach the first respondent with a fresh representation within a period of two weeks from the date of receipt of a copy of this order and thereupon, the first respondent shall consider the same on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of such representation. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 4 and 5.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Sivakasi Division, Virudhunagar District.

2. The Zonal Deputy Tahsildar
Sivakasi Taluk,
Virudhunagar District.



3. The Sub Registrar,
Sub Registrar Office,
Sivakasi, Virudhunagar District.

Krk

AE/KKR/SAR3/14.06.2018/3P/4C

**W.P. (MD) No.8222 of 2018
and
W.M.P. (MD) No.7783 of 2018
16.04.2018**